

# Overview and Scrutiny Procedure Rules

## 1. Introduction

Except where set out below the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

## 2. Membership of Scrutiny Committees

The Council's Overview and Scrutiny Committees will have the membership indicated in this Constitution. All councillors except members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision in which s/he has been directly involved.

## 3. Co-opted Members

### People Overview and Scrutiny Committee

- (a) In addition to councillors, the People Overview and Scrutiny Committee shall include in its membership the following voting representatives:
  - (i) one Church of England representative appointed by the Oxford Diocesan Council of Education;
  - (ii) one Roman Catholic representative appointed jointly by the Archbishop of Birmingham and the Bishop of Portsmouth to represent the Roman Catholic Church;
  - (iii) two persons who shall be parent governors of maintained schools elected in accordance with a procedure approved by the Council.
- (b) These co-opted members are only able to exercise their vote when the People Overview and Scrutiny Committee is dealing with education functions which are the responsibility of the Council or the Cabinet. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. Co-opted members shall be able to exercise their vote on questions relating to the work programme including how such work is to be conducted.

### Place Overview and Scrutiny Committee

- (c) The Place Overview and Scrutiny Committee (in its capacity as the 'Crime and Disorder Committee' required in accordance with Section 19 of the Police and Justice Act 2006) may include in its membership representatives from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the "co-operating persons and bodies").

- (d) A co-opted person's membership may be limited to the exercise of the committee's powers in relation to a particular matter or type of matter. These co-opted members<sup>1</sup> may be voting members, but only if the committee allows it, and are only able to exercise their vote when the Place Overview and Scrutiny Committee is dealing with matters in connection with the discharge by the responsible authorities of their crime and disorder functions. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.
- (e) The membership of a person co-opted to serve on the Scrutiny Committee may be withdrawn at any time by the committee.

#### 4. The Work of the Committees

Within their specific terms, each scrutiny committee may:

- (i) establish their own working groups in order to explore issues further;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (v) conduct, as appropriate, any research, community or other consultation in the analysis of policy issues and possible options;
- (vi) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (vii) question members of the Cabinet, ordinary committees and officers about their views on issues and proposals affecting Oxfordshire or about their decisions;
- (viii) report annually to full Council on their work and make recommendations for future work programmes as appropriate.

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<sup>1</sup> In accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, a crime and disorder committee shall only co-opt a person to serve on the committee who (a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and (b) is not a member of the executive of the committee's local authority (or authorities).

## **5. Review Panels**

Scrutiny Committees may appoint such Review Panels as they may determine to undertake specified reviews. Appointments to such Review Panels will be made by the relevant scrutiny committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

## **6. Work Programme**

The Scrutiny Committees will be responsible for setting their own work programme and in doing so they will take into account the views of the co-opted members.

## **7. Co-ordination of Scrutiny Committees**

- a) Where matters fall within the remit of more than one Scrutiny Committee or Review Panel the Chairs of the relevant Scrutiny Committees shall determine which of them will assume responsibility for any particular issue.
- b) Where there is doubt about which is the relevant Scrutiny Committee to receive requests from the Cabinet and/or the Council for reports, the Chairs of the Scrutiny Committees shall allocate such requests to one or more of the Scrutiny Committees.

## **8. Meetings of the Scrutiny Committees**

- a) Each Scrutiny Committee will meet at least four times a year. In addition, other meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair of the Committee following consultation with the Deputy Chair, by any 5 members of the committee or by the Proper Officer if s/he considers it necessary or appropriate.
- b) The Place Overview and Scrutiny Committee shall meet at least once in every twelve-month period as the 'Crime and Disorder Committee' to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

## **9. Chairs and Deputy Chairs**

The positions of Chairs and Deputy Chairs of the Scrutiny Committees will be drawn from among the councillor members sitting on the respective committees. A Committee will normally appoint to these positions on an annual basis. A Chair will be from the Opposition Group. Scrutiny Review Panels will appoint one of their members as Chair for the life of the Panel.

## 10. Quorum

The quorum for a Scrutiny Committee will be one quarter of the whole number of voting members, of whom a majority are members of the Council). During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 11. Agenda Items

- (a) Any member of a Scrutiny Committee shall be entitled to give notice to the Proper Officer that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for that Committee.
- (b) Any member of the Council shall be entitled to give notice, under the Procedure for a Councillor Call for Action set out in Annex 1 to the Protocol on Members' Rights and Responsibilities, to the Proper Officer that s/he wishes an item concerning her/his Electoral Division and which is relevant to the functions of the Committee to be included on the agenda for that Committee. If the Proper Officer receives the request at least 15 working days before a scheduled meeting of that Committee s/he will include it on the agenda for that meeting; otherwise, it will be placed on the agenda for the following meeting of that Committee. The member shall have a right to speak at the meeting during consideration of that item.
- (c) The leader of any political group on the Council may request the Chair and Deputy Chair of a Scrutiny Committee to include an item relevant to the functions of the Committee on the agenda of that Committee. If the Chair and Deputy Chair so agree, they shall request the proper officer to include such item on the agenda of that Committee.
- (d) Any 10 members of the Council who are not members of the Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of the relevant Scrutiny Committee.
- (e) The Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Cabinet and/or the Council to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Cabinet and/or the Council shall consider the report of the Scrutiny Committee within two months of receiving it.

- (f) In relation to (a), (c) and (d) above the Proper Officer to include an item on an agenda for a Scrutiny Committee provided that:
- (i) notice of the request is received by the Proper Officer by 2.00 p.m. on the tenth working day before the meeting of a committee;
  - (ii) the subject matter of any such notified item is relevant to the powers/functions of the committee; and
  - (iii) the item will normally be for oral report unless 20 working days' prior notice is given to enable a report to be prepared.

The individual member(s) shall be invited to attend and speak at the meeting during consideration by the committee or sub-committee of that item.

## **12. Policy Review and Development**

- (a) The role of the Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its budget and policy framework, the Scrutiny Committees may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference.
- (c) Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **13. Reports from Scrutiny Committees**

- (a) Once a Scrutiny Committee has completed its deliberations on any matter a formal report may be prepared on behalf of the Committee and when agreed by them the Proper Officer will normally refer it to the Cabinet for consideration. Where the report concerns functions which are the responsibility of the Council or where the recommendations of the report have significant implications for the Council's budget and policy framework, the report will be referred to the Council. Where any report of a Scrutiny Committee relates to a Councillor Call for Action a copy of the report will also be provided to the relevant member.

- (b) Where the Proper Officer refers the Scrutiny Committee's report to the Cabinet, it will be included on the agenda of the Cabinet as soon as practicable and normally within a period of 6 weeks from the date the report was adopted by the Scrutiny Committee. If for any reason the Cabinet does not consider the Scrutiny Committee's report within 12 weeks then the matter will be referred to Council for review.
- (c) Where in (a) above, the Proper Officer refers a Scrutiny Committee's report to the Council, s/he will also give a copy to the Leader of the Council with notice that the matter is to be referred to Council. The Cabinet will have 6 weeks in which to respond to a Scrutiny Committee's report, and the Council shall not consider it within that period.
- (d) When the Council considers any referral from a Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall at the same time also consider the response of the Cabinet to the Scrutiny Committee's proposals.
- (e) If a Scrutiny Committee cannot agree on one single final report to the Cabinet or the Council as appropriate, then one minority report may be prepared and submitted for consideration by the Cabinet or the Council with the majority report.
- (f) Where Cabinet considers a report of a Scrutiny Committee the Proper Officer will include Cabinet's response on an appropriate agenda of the Scrutiny Committee.

## **14. Rights of Scrutiny Committee Members to Information**

Nothing in any specific rights of members of Scrutiny Committees to documents or to notices of meetings, whether set out in the Access to Information Procedure Rules of the Constitution or otherwise, shall prevent more detailed information being sought by a Scrutiny Committee and provided by the Cabinet as appropriate depending on the particular matter under consideration.

## **15. Provision of information by relevant partner authorities**

A relevant partner authority<sup>2</sup> shall provide to the relevant Scrutiny Committee such information as that committee may reasonably require in order to discharge its functions, being information which:

- (a) has been requested in writing, and
- (b) relates to a local improvement target which:
  - (i) relates to the relevant partner authority, and
  - (ii) is specified in the local area agreement for Oxfordshire.

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<sup>2</sup> See Annex 1 to Council Procedure Rules at Part 3.1 for full list.

## 16. Members and Officers Giving Account

- (a) Any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council or executive functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require the Leader of the Council or any other Cabinet Member, the County Director and/or any senior officer to attend before it to explain in relation to matters within its 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 a Scrutiny Committee under this provision, the Chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he 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 Proper Officer shall in consultation with the member or officer arrange an alternative date for attendance.

## 17. Attendance By Others

- (a) The Place Overview and Scrutiny Committee (acting as the 'Crime and Disorder Committee') may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions, but only if reasonable notice of the intended date of attendance has been given to that person.‡
- (b) In addition to the powers set out in (a) above, a Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. The Chair of the Committee shall decide the appropriate form of participation as relevant to the issues under consideration and the individual circumstances prevailing.

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‡ [The Crime and Disorder \(Overview and Scrutiny\) Regulations 2009](#)

## 18. Public Access to Meetings of Scrutiny Committees

Apart from the attendance rights on the part of members of the public under the Council's Access to Information Rules, the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to request the opportunity to address meetings on items on the agenda shall apply to meetings of the Scrutiny Committees.

## 19. Call In

- (a) When a decision is made by the Cabinet or by an individual member or by a committee of the Cabinet, or a key decision is made by an officer acting under delegated authority, the decision shall be published by the Proper Officer in the form of a decisions list by the end of the next working day and circulated to all Councillors, and in the case of education functions to the co-opted members on the People Overview and Scrutiny Committee.
- (b) That list will bear the date on which it is published and will specify that the decision will come into force, and take effect at 5pm on the fifth working day (4pm on the fifth working day if that day is a Friday) following such publication of the decision.
- (c) During that period, the Proper Officer shall call in a decision for scrutiny by the appropriate Scrutiny Committee:-
  - (i) if s/he receives a joint request from the Chair and Deputy Chair of the relevant Scrutiny Committee; or
  - (ii) if requested to do so by 5 members of a Scrutiny Committee (whether members of the Council or co-opted non-councillor education voting members of the People Overview and Scrutiny Committee); or
  - (iii) if requested to do so by any 10 members of the Council, whether or not they are members of the relevant Scrutiny Committee.

In all cases, when a request for a call in of a decision is made, this must be accompanied by reasons for the request.

When the Proper Officer receives a request in accordance with (c) above, s/he shall then notify the decision maker of the call in. S/he shall then call a meeting of the appropriate Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chair and Deputy Chair of that Committee. Subject to the statutory requirements for the calling of meetings, the Scrutiny Committee should normally meet within 15 working days of the request being received by the Proper Officer to consider the issue.



- (d) If, having considered the decision, the Scrutiny Committee has material concerns about it, then the Scrutiny Committee may refer it back to the decision-making body or officer for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. The views of the Scrutiny Committee will be considered by the decision maker (in the case of recommendations from scrutiny committees following call-in of a decision made by an individual member of the Cabinet these recommendations shall be considered by the Cabinet) or the Council as appropriate within a further 15 working days, and the decision will then be amended or otherwise and take immediate effect. If following a request for a call in made under Rule (17)(c) the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making body or officer, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of the 30 working day period commencing with the date on which the request was received by the Proper Officer, whichever is the earlier.
- (e) If the matter was referred to the Council and the Council does not object to a decision which has been made, then no further action will be taken and the decision will be effective in accordance with the provision in (h) below. However, if the Council does object then, unless that decision is contrary to the budget and policy framework, the Council will refer that decision together with its views on it back to the decision maker. The Council's views on the decision will be considered by the decision maker within a further 15 working days, and the decision will then be amended or otherwise and take immediate effect.
- (f) If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (g) The Cabinet Member(s) with responsibility for the subject matter of a request for a call in and the Chair and Deputy Chair of the relevant scrutiny committee may together agree variations of any or all the time limits in Rule (17)(d), (e), (f) and (g), to allow consideration of the call-in at the next ordinary meeting of the committee if they are satisfied that the matter is not so urgent as to require compliance with those time limits.
- (h) The foregoing provisions of this Rule shall not apply to any decision of the Cabinet where either:
  - (i) the Scrutiny Committee has already made observations to the Cabinet on the basis of substantially the same report and/or other information or advice as that on which the Cabinet's decision is based and the Cabinet has had regard to those observations in taking the decision; or

- (ii) the decision is taken by the Cabinet after taking account of any recommendations or other comments by the Scrutiny Committee following a call in of a decision taken previously by the Cabinet.

## **20. Call In and Urgency**

- (a) The call in procedure set out above shall not apply where the decision being taken by the Cabinet, Officer or other decision maker is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call in. The Chair of the Council must agree that in all the circumstances the decision should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's agreement shall be required. In the absence of both, the Proper Officer's agreement shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.
- (b) The requirement contained in the foregoing provision of this Rule to obtain the agreement of the Chair, Vice-Chair or Proper Officer shall not apply to any decision on the letting of a contract arising from termination of an existing contract if the time available is such that allowing for call-in would result in service discontinuity, provided that all members of the relevant Scrutiny Committee have been informed of the circumstances of the decision to be made and have had an opportunity to make representations to the decision maker about it.
- (c) 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.

## **21. The Party Whip**

To enable the Scrutiny Committees to hold decision makers to account effectively, the party whip shall not be applied to the business of the committees.

## **22. Procedure at Scrutiny Committee Meetings**

- (a) Scrutiny Committees shall consider the following business:
  - (i) election of a person to preside if the Chair and Deputy Chair are not present;
  - (ii) approval of the minutes of the last meeting and receipt for information of any matters arising therefrom;
  - (iii) apologies for absence and temporary appointments;
  - (iv) declarations of interest;

- (v) consideration of any matter referred to the Committee by way of a call in of a decision;
  - (vi) consideration of any Councillor Call for Action;
  - (vii) responses of the Cabinet to reports of the Scrutiny Committee; and
  - (viii) the business otherwise set out on the agenda for the meeting.
- (b) Where a Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- (i) 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;
  - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the relevant Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public. Where any investigation or review is conducted by a Review Panel, that Panel will refer its findings to the relevant Scrutiny Committee who shall consider those and if they consider it appropriate prepare a report for submission to the Cabinet and/or Council as appropriate and shall make the report and findings public.