

Scrutiny Committees procedure rules

Purpose of the Scrutiny Committees

1. The Councils have each appointed a Scrutiny Committee, and one Joint Scrutiny Committee. There are also partnership Scrutiny Committees (see paragraphs 83 and 84) which are governed by their own arrangements and procedure rules.
2. The committees are responsible for discharging the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000. They are responsible for discharging any other functions conferred by legislation on an Overview and Scrutiny Committee of a district council.
3. The district Scrutiny Committees will be known as the South Scrutiny Committee and the Vale Scrutiny Committee (or together as the “district Scrutiny Committees”) and the Joint Scrutiny Committee of both South and Vale councils will be known as the Joint Scrutiny Committee.
4. The committees cannot consider anything that relates to a decision on an individual case, or a decision made under planning, licensing, or other regulatory legislation.

Role and function

5. The Scrutiny Committee will have the following roles and functions:
 - (a) within their terms of reference, consider anything that affects the district and its people;
 - (b) consider any matter relating to the provision of council services or for which the council is responsible;
 - (c) consider items referred to the committee by the Cabinet or Council;
 - (d) consider councillor calls for action that relate to a matter that affects a single ward and are not, in the opinion of the monitoring officer, vexatious, persistent, unreasonable or discriminatory and do not relate to a planning, licensing or regulatory function;
 - (e) hold other public service providers to account;
 - (f) help the Council and Cabinet to develop and review policy;
 - (g) assist the Cabinet in the development of policies on matters for which the council has responsibility;
 - (h) review council policies and aspects of the budget and policy framework and make recommendations to the Cabinet or the Council for changes and improvements; and
 - (i) consider the budget for the next financial year prior to the Council approving this.

HOLDING THE CABINET TO ACCOUNT

6. The Scrutiny Committees will hold the Cabinet to account as follows:
 - (a) review and scrutinise decisions made or actions taken by the Cabinet, Council, committees and officers;

- (b) exercise the right to call in decisions, for reconsideration, made but not yet implemented by the Cabinet;
- (c) review the council's progress in achieving its policy aims and performance targets;
- (d) review the performance of individual services or Cabinet member portfolios;
- (e) consider and make recommendations on mechanisms to encourage and enhance community participation in the development of policy options;
- (f) consider and make recommendations on any matters in connection with the discharge of functions which are the responsibility of the Council or Cabinet, or which affect the council's area or its community;
- (g) review functions or development of policies and strategies;
- (h) make proposals periodically to the council for ways to improve the discharge of policy development; and
- (i) review and scrutinise the decisions made by, and performance of, the Cabinet and/or committees and, in relation to key decisions taken under delegated powers, council officers, both in relation to individual decisions and over time.

7. The Scrutiny Committee may do this by:

- (a) conducting research, and community and other consultation in the analysis of policy issues;
- (b) making recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process or from task groups;
- (c) writing and sending reports and recommendations to the Cabinet or Council and making recommendations to officers for their consideration; and
- (d) reporting annually to Council on its workings and making recommendations for future work programmes and amended working methods if appropriate.

8. The Scrutiny Committee can be given a budget by Council. It is responsible for any budget it is given and can use it as it wishes to support the work of the committee.

9. The Scrutiny Committee may establish task groups to consider particular matters within its work programme. Task groups meet in private.

10. The number of task groups running shall be proportionate to the resources available to the council.

11. The task group will ensure that the relevant Cabinet member and other persons affected by the subject matter under consideration have the opportunity to give evidence to the group.

Committee powers

12. The Scrutiny Committee can:

- (a) make reports and recommendations to the county council and any other partner authorities and require the county council and partner authorities to provide information that the committee reasonably requires;
- (b) monitor the Cabinet work programme and call for reports on items that are listed on this;
- (c) review and scrutinise the performance of other public bodies in the area, invite reports from them, and request them to address the Scrutiny Committee about their activities and performance;

- (d) require senior officers and Cabinet members to attend Scrutiny Committee meetings and answer questions; and
- (e) question officers and Cabinet members generally about service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

Membership

- 13. The Scrutiny Committee will comprise nine councillors, each appointed annually by Council and will be politically balanced (not Cabinet members).
- 14. All councillors except members of the Cabinet may be members of a Scrutiny committee. However, no councillor may be involved in scrutinising a decision in which he/she has been directly involved.
- 15. The chair and vice-chair of the Scrutiny Committee shall be appointed by Council annually or by the committee if a vacancy arises. The chair or the vice-chair of Council shall not act as chair or vice-chair of the committee.

Time and place of meetings

- 16. The time and place of meetings will be notified in the agenda for each meeting.
- 17. Each Scrutiny Committee shall meet at least once per year and meetings will take place in accordance with an agreed programme. An additional meeting may be called as required. An additional meeting may be called by the chair of the Scrutiny Committee or any three members of the council (one of whom must be a member of the Scrutiny Committee), or by the head of legal and democratic, the head of paid service, the monitoring officer or the chief finance officer. The person or persons calling the meeting must state the business that is to be conducted.

Notice of, and agenda for, meetings

- 18. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Scrutiny Committee agendas will also be available for six years after a meeting.

Chair of meetings

- 19. The chair (and vice-chair in his/her absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

20. The Council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the Scrutiny Committee or Joint Scrutiny Committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee or joint committee. A political group need not appoint to all available substitute places.
21. Substitute members will have all the powers and duties of any ordinary member of the committee or joint committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
22. Substitute members may attend meetings:
 - to take the place of the ordinary member for whom they are the substitute;
 - where the ordinary member will be absent for the whole of the meeting; and
 - after notifying the head of legal and democratic before the start of the meeting.
23. Where possible, absent members must be substituted by a preferred substitute who has been named but, where this is not possible, any member of the same political group may act as substitute.

Quorum

24. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. 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 he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
25. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Co-optees

26. A Scrutiny Committee or Joint Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

Joint Scrutiny Committee

27. The Joint Scrutiny Committee will:
 - (a) consider and make recommendations to the relevant Cabinet members on the assessment of the performance of contractors delivering joint contracts;
 - (b) consider any matter within the terms of reference of the Scrutiny Committee affecting both councils' areas or their inhabitants;

- (c) act as the crime and disorder committee of the council in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009; and
- (d) review and scrutinise the performance of the councils in relation to its policy objectives, performance targets and/or particular service areas.

MEMBERSHIP

- 28. The Joint Scrutiny Committee will comprise five councillors from South Oxfordshire District Council and five councillors from Vale of White Horse District Council (not Cabinet members) and will be politically balanced.
- 29. The councils will appoint preferred substitutes with an equivalent political balance (not Cabinet members) as set out in rules 20-23 above.

TIME AND PLACE OF MEETINGS

- 30. The time and place of meetings will be notified in the agenda for each meeting.
- 31. The Joint Scrutiny Committee will meet at least twice per year, with additional meetings when required.

QUORUM

- 32. Four councillors, two from each council, must be present for a legally valid committee meeting to be held. All other matters relating to the quorum are the same as those of the district Scrutiny Committees.

CHAIR OF MEETINGS

- 33. The committee will be co-chaired (one from each council) and the person presiding at any meeting will alternate between the two councils. These will be the chair of the two district Scrutiny Committees. These shall be non-Cabinet members and their will be no vice-chair.
- 34. The establishment of a Joint Scrutiny Committee will not impact upon the ability of each council's Scrutiny Committee to review specific issues covered by the above terms of reference – for example a specific issue relating to a contract.

Duration of meeting

- 35. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Work programme

- 36. Each Scrutiny Committee will be responsible for setting its own work programme.
- 37. Any member of a Scrutiny Committee, or any sub-committee shall be entitled to give notice to the head of legal and democratic that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for a meeting of the committee or sub-committee. On receipt of a valid request, the proper officer will ensure that it is included on the next available agenda.

38. The Cabinet or the full Council may refer any matter to the Scrutiny Committee for consideration and report.

Policy review and development

39. 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.
40. The Scrutiny Committees may jointly or severally hold inquiries and investigate the available options for future direction in policy development and, subject to budgetary provision, may appoint advisers and assessors to assist it in this process. The committee/s may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it/they reasonably consider/s necessary to inform its/their deliberations. The committee/s may ask witnesses to attend and address them on any matter under consideration.

Rights of Scrutiny Committee members to documents

41. In addition to their rights as councillors, members of the Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the protocol on councillor and officer relations in part 3 of this constitution.
42. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee depending on the particular matter under consideration.

Councillors and officers giving account

43. Where any councillor or officer is required to attend a Scrutiny Committee, the chair of that committee will inform the head of legal and democratic. The head of legal and democratic will inform the councillor or officer that he/she is required to attend; the nature of the item on which he/she is required to attend to give account; and whether any papers are required to be produced for the committee.
44. Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date, then the Scrutiny Committee will, in consultation with the councillor or officer, arrange an alternative date for attendance.

Attendance by others

45. A Scrutiny Committee, or the chair of the committee may invite people, other than those people referred to in rules 43 and 44, to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and may invite such people to attend.

Procedure at Scrutiny Committee meetings (Vale, South or Joint)

46. The Scrutiny Committee, and any sub-committees shall consider the following business:
 - (a) minutes of the last meeting;

- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee as a result of call-in arrangements;
- (d) responses of the Cabinet to reports of the Scrutiny Committee; and
- (e) the business otherwise set out on the agenda for the meeting.

Public participation

47. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
48. The public may address scrutiny meetings by asking a question, making a statement or presenting a petition and may speak for up to three minutes each. Every question must relate to an agenda item for that meeting. Statements or petitions must relate to the council's powers or duties or to a matter that affects the district. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
49. The public address session at the start of each Scrutiny Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
50. Questions or statements will be considered by Scrutiny Committee in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together.
51. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.
52. Councillors who are not members of the Scrutiny Committee may request to speak at meetings in the following circumstances:
 - where their motion has been referred to Scrutiny Committee for consideration;
 - where a matter under consideration affects their ward; or
 - on any other matter within Scrutiny Committee's remit.
53. The chair of the Scrutiny Committee may reject a question or statement if he/she considers it to be defamatory, frivolous or offensive, or if it is substantially the same as a question or statement put to a Cabinet, Council or committee meeting in the previous six months, or if it requires the disclosure of confidential or exempt information.
54. Scrutiny Committee members may ask questions of clarification of the speaker.
55. Where an answer cannot be given to a question at a meeting, a written answer will be provided.

Voting

MAJORITY

56. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

57. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

58. Unless a recorded vote is requested under rule 59, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the committee.

RECORDED VOTE

59. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

60. Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Minutes

61. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

62. All councillors present must sign the attendance list provided at the meeting.

Exclusion of public

63. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rules 69 and 70 (disturbance by the public).

Councillors' conduct

64. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

65. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

66. If a councillor persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

COUNCILLOR TO LEAVE THE MEETING

67. If the councillor continues to behave improperly after such a motion is carried, the chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

GENERAL DISTURBANCE

68. If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

69. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF MEETING ROOM

70. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by councillors at meetings

71. Any councillor may attend a meeting of the committee, including where confidential or exempt information is being discussed. With the consent of the chair he/she may speak, but not vote, on any item on the agenda for the meeting.

Call-in

72. When a key decision is made by the Cabinet, an individual Cabinet member, a committee of the Cabinet or an officer with delegated authority from the leader of council, the decision shall be published, within two working days of being made. The chair of the district Scrutiny Committee will be sent electronic copies of all such decisions within the same timescale, by the person responsible for publishing the decision.
73. During the five working day period following publication of a notice, the head of legal and democratic shall call-in a decision for scrutiny by the Scrutiny Committee if so

requested by the chair of the Scrutiny Committee or any three members of the council (one of whom must be a member of the Scrutiny Committee), and shall then notify the decision-taker of the call-in. Where a valid request for call-in is made, a meeting of the committee shall be convened by the head of legal and democratic. The meeting will be held within 15 working days of receipt of the call-in and the decision shall not be implemented until the Scrutiny Committee has considered it. Alternatively, the chair of the Scrutiny Committee may agree to refer the matter to the Joint Scrutiny Committee for consideration.

74. Call-in should only be used in circumstances where members have evidence which suggests that a decision was taken where the decision maker did not follow the principles of decision making, set out in the Constitution, and other matters as set out below. The signatories to the call-in should explain how these principles were not followed when the decision was taken and submit their request on the form available from democratic services.
- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (b) due consultation and the taking of professional advice from officers;
 - (c) respect for human rights and equalities;
 - (d) a presumption in favour of openness;
 - (e) clarity of aims and desired outcomes (link between corporate plan and implementation);
 - (f) in accordance with the law and the council's agreed procedures, as set out in the Constitution;
 - (g) inaccurate information of a substantial nature was given to the decision taker;
 - (h) alternative options were not given sufficient consideration or were inadequately appraised; or
 - (i) insufficient information was available for the person requesting the call-in to determine if the decision had been made correctly.
75. Having considered the decision, the Scrutiny Committee may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.
76. Where a matter is referred back to the decision maker, they shall reconsider the matter and then either take the final decision as already proposed or take the final decision incorporating amendments.
77. If, following the call-in, the Scrutiny Committee does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting.
78. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet 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 interests.
79. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The chair of the Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chair of the Scrutiny Committee,

the consent of the vice-chair or the chair of the Council and, in the absence of both, the consent of the head of paid service, or his/her nominee, shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

Call-in of decisions outside the budget or policy framework

80. Where the Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.
81. The monitoring officer's and/or chief finance officer's report shall be submitted to the Cabinet and be made available to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the monitoring officer's or chief finance officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Scrutiny Committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
82. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the relevant Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The Council may:
- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework; or
 - (b) amend the council's financial regulations or policy concerned to encompass the decision or proposal and agree to the decision with immediate effect; or
 - (c) where the Council accepts that the decision or proposal is contrary to the policy framework; or contrary to or not wholly in accordance with the budget; and does not amend the existing framework to accommodate it, it shall require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer.

Responsibility for health scrutiny functions

82. The responsibility for health scrutiny functions are as follows:

| Committee | Functions |
|---|--|
| Oxfordshire Joint Health Overview and Scrutiny Committee* | All functions within the committee's terms of reference. |

*A statutory committee set up under Section 8(2)(a) of the Health and Social Care Act 2001.