

SCRUTINY AND EXECUTIVE PROTOCOL

1. Introduction

- 1.1 The Scrutiny and Executive protocol is a guide for elected Members and other parties outlining the interface between Scrutiny and the Executive and the procedural elements that underpin the relationship. Further information on Scrutiny will be provided in the Scrutiny handbook

2. Scrutiny Arrangements

- 2.1 The Scrutiny Committees are as set out in this Constitution each with terms of reference.

2.2 Role

- 2.2.1 Scrutiny will act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Through their work, Scrutiny and Cabinet will agree to operate within the values of the Council: Openness, Teamwork, Flexibility, Fairness and Kindness. In compliance with s21 Local Government Act 2000 and Paragraphs 8 and 9 of Schedule 1 to the Act, Scrutiny Committees will:

- (a) consider reports and make recommendations to inform and advise the Cabinet or Council or other decision-making bodies on improvements to policies and service delivery;
- (b) hold the Cabinet to account for decisions, performance, risk management and budget management;
- (c) enable the public to engage in the work of the Council by holding public meetings to inquire into matters of local concern.

2.3 General Roles

- 2.3.1 Within their terms of reference Scrutiny Committees will:

- (a) Develop, review and/or scrutinise:
 - (i) decisions or actions taken;
 - (ii) policies or processes;in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the Council meeting and /or the Cabinet on the discharge of any of the Council's functions;
- (c) consider any matter affecting the area or its inhabitants and make recommendations to any decision making body as appropriate.

2.4 Specific Functions

2.4.1 Scrutiny Committees may:

- (a) assist the Council in reviewing service delivery and performance through in-depth analysis;
- (b) review and scrutinise the decisions made by and the performance of the Cabinet and/or Committees and/or other Constitutional Bodies and the Council and/or any Chief Officers both in relation to individual decisions and over time;
- (c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (d) conduct research, community and other consultation in the analysis of service or policy issues and possible options;
- (e) consider and implement mechanisms to encourage and enhance community participation in the development of policy or the improvement of services;
- (f) question Members of the Cabinet and/or Committees and/or other Constitutional bodies and appropriate Officers about their proposed policies, decisions and performance;
- (g) make recommendations to the Cabinet and / or appropriate Committee and/or other constitutional bodies and/or Council arising from the outcome of the Scrutiny process;
- (h) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance;
- (i) question and gather evidence from any person outside of the Authority (with their consent);
- (j) assist the Council and the Cabinet in the review of its budget and policies by in-depth analysis of policy issues;
- (k) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

2.5 Setting the Work Programme and Agenda

2.5.1 At the beginning of the Scrutiny year (June), each Scrutiny Committee will agree an outline work programme for the year in consultation with the relevant senior Officers and take into account the views of the public and of partner agencies, the aim being to identify significant topics that will address a significant concern, will deliver a specific outcome and will add value to the work of the Council.

2.5.2 The most recent version of the Scrutiny Committee work programme will be reported to each Scrutiny Committee meeting to enable the Committee to review its content and include new items and to define the arrangements required for the next meeting. The

updated Scrutiny Forward Work Programme will be presented by the Scrutiny Committee Chairs to the Chairs and Vice Chairs of Scrutiny to ensure no overlap in work or where there is an overlap to agree primacy for consideration. All Scrutiny work programmes will be made publicly available.

- 2.5.3 Individual agenda items, other than standing items, are to be determined in the first instance by the work programme that is agreed by the relevant Scrutiny Committee. The Scrutiny Committees agree their work programmes and the decisions to consider additional items or defer planned are made at the discretion of the chair in consultation with the Head of Democratic Services
- 2.5.4 The purpose of Scrutiny is to add value to the work of the Council. For this reason any items 'to note' i.e. that do not require a specific response from the Scrutiny Committee will be included on the the Scrutiny Committee Members 'For Information' and will not be scrutinised at a meeting unless members request a report at future meetings.

2.6 Evidence Gathering

- 2.6.1 Scrutiny Committees are entitled to gather evidence in connection with any review or inquiry they undertake as part of their agreed work plan. The Scrutiny Committee shall adopt methods of gathering evidence to inform their deliberations. These include, but are not limited to, task and finish groups, holding enquiries, going on site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. The knowledge of Councillors is also a valuable source of evidence and should be considered as part of each review / inquiry.
- 2.6.2 Scrutiny Committees shall be entitled to pay the reasonable fees and/or expenses of any individual or organisation assisting it, with the exception of Officers or Members of the Authority. Evidence gathering activity should not duplicate any other similar activity being undertaken by the authority or by other local agencies.

2.7 Attendance at Scrutiny Committees

- 2.7.1 A large part of evidence gathering will be through witnesses invited to give account directly to the Scrutiny Committee. Cabinet Members and Officers will not be expected to attend all Scrutiny Committee meetings (though Cabinet Members shall be entitled to attend any Scrutiny Committee they wish to observe), however, Scrutiny Committees are entitled under s21 of the Local Government Act 2000 to require any Member of the Executive or any Senior Officer to appear before it to give account for any matter within their responsibility or remit, particularly relating to:

- (a) any particular decision;
- (b) the extent to which the actions have been taken to implement Council policy;
- (c) their performance

and it is the duty of those persons to attend if so required. Where in exceptional circumstances, the Member or Officer is unable to attend on the required date; the Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

- 2.7.2 When a Scrutiny Committee wishes to invite a Cabinet Member, Officer or another

individual to a meeting, it will:

- (a) offer a minimum notice of 1 weeks
- (b) clearly outline the reason that the individual has been requested to attend and the likely areas upon which they are be expected to answer questions;
- (c) identify whether any papers are required to be produced.

2.7.3 Where individuals are required to attend before the Scrutiny Committee, as in the case of Officers or Members, the Chair shall ensure that those assisting the Scrutiny Committee by giving evidence are treated with courtesy and respect.

2.7.4 Witnesses contributing evidence to Scrutiny Committees will be provided with feedback and whether further information is required as part of the Scrutiny.

2.8 Scrutiny Committee Meeting Procedure

2.8.1 Robust Scrutiny depends on effective questioning which relies on effective preparation. The meetings of Scrutiny Committees will operate as follows:

- (a) main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered;
- (b) prior to the meeting all Scrutiny Committee Members should be engaged in raising and discussing possible questions by email. The chair and vice chair of the Committee will facilitate this process;
- (c) a pre-meeting for all Scrutiny Committee Members will be held at a time to be agreed by the Chair of the relevant scrutiny committee who shall consult with the remaining members (the final discretion vesting in the Chair). The purpose is to ensure that Members are fully prepared for the Scrutiny Committee meeting and that the questioning strategy is clear accordingly a reasonable period of time before the meeting should be considered;
- (d) during the Scrutiny Committee meeting, the chair will be responsible for ensuring that questioning is effective and that the Scrutiny Committee achieves its objective;
- (e) officers are invited to attend for their item and shall not be expected to remain at the meeting unless agreed with the Chair;
- (f) at the close of the meeting, any witnesses will be asked to leave to enable Scrutiny Committee Members to discuss their conclusions any recommendations arising from the meeting. These conclusions and recommendations will be reported to the relevant Cabinet Member(s) in the form of a Chairs' Letter. The session should also be used to review the effectiveness of the meeting and identify ways that future meetings could be improved.

2.9 Attending Call-in Meetings

2.9.1 The following arrangements apply to Call-in meetings:

- (a) the Committee will invite the relevant Cabinet Member and/or Officer i.e. (the

decision-taker) and any other Senior Officers the Committee considers appropriate to the meeting;

- (b) in line with the Call-in Mechanism outlined in the constitution, the Committee is required to meet within a specific timescale of the publication of the decision;
- (c) the Committee will endeavour to offer appropriate notice to witnesses required to attend and will as far as possible ensure the scheduling of the Call-in meeting facilitates their attendance;
- (d) in inviting Officers to attend, the relevant Chief Officer responsible will be consulted as a matter of courtesy;

2.10 Responding to Scrutiny's Recommendations

2.10.1 Chairs Letters. Scrutiny Committees will agree outcomes of their meetings and detail the conclusions and any recommendations arising from any Scrutiny Committee meeting. The Scrutiny Committee may recommend amendments to a strategy or policy at their meeting and the Cabinet Member or Officer may accept the amendments at the meeting, which will be formally minuted.

2.10.2 The Chair may also formally raise concerns via a Chairs Letter directed to the relevant Cabinet Member(s) in person after the meeting has closed. In this instance, the Cabinet Member should respond in writing to the Scrutiny Committee within one month indicating whether the recommendation needs to be referred and what action (if any) they intend to take.

2.10.3 Scrutiny Workshops. Scrutiny Committees may undertake an in-depth review, which will normally take a number of months and be conducted according to an agreed terms of reference, with the findings being shared publicly in a findings report.

2.10.4 Scrutiny Committees will abide by the following principles when conducting in-depth reviews or workshops:

- (a) involve the Cabinet Member at the commencement/early stages of a review to inform them of the terms of reference of the Task and Finish Group and the lines of inquiry that will be pursued;
- (b) additional opportunities to involve the Cabinet Member throughout the review if felt appropriate;
- (c) recommendations will follow logically from conclusions which will be clearly evidenced by reference to the findings of the review. Recommendations should not reflect unsupported personal opinion or political views. At this stage advice will be sought from the relevant Officers about the legal and financial implications of draft recommendations;
- (d) when a review is nearing completion, invite the Cabinet Member to a meeting to discuss preliminary findings and if the Scrutiny Committee feels appropriate, test the viability of recommendations they wish to make;
- (e) when a Scrutiny report has been agreed by Members of the Task and Finish Group, convene meeting with Cabinet Member to discuss the report's key findings and recommendations prior to the report being discussed at a public meeting (i.e.

Scrutiny Committee).

- 2.10.5 If a Scrutiny Committee cannot agree on one single final report to the Executive then up to one minority report may be prepared and submitted for consideration with the majority report.
- 2.10.6 Once a Scrutiny Committee report has been agreed by the appropriate Scrutiny Committee, it will be submitted to the relevant Cabinet Member and published on the Council's website.
- 2.10.7 The report will then be scheduled in the Cabinet Forward Planner to be presented to a meeting of Cabinet within 6 weeks of it being agreed by the Scrutiny Committee.
- 2.10.8 The Chair of the relevant Scrutiny Committee will present the Report and accompanying recommendations to Cabinet. The relevant Cabinet Member will receive the Report on behalf of Cabinet but will not be required to respond to each of the recommendations individually at Cabinet.
- 2.10.9 Cabinet will be requested to "receive the report and consider the key findings and recommendations, responding to the relevant Scrutiny Committee within a 3 month period as to whether they accept (in part) or reject (in part) the Committee's recommendations together with rationale and actions that will be taken".
- 2.10.10 The Cabinet Member is responsible for:
- (a) meeting with Officers once they have received the Scrutiny report to draft a response to the Scrutiny Committee based upon the Cabinet Response Template (detailed in Appendix A);
 - (b) meeting with the Scrutiny Committee Chair to discuss the response and to gather any clarification
 - (c) after agreeing a draft response with Officers, reporting the draft response to the Cabinet for adoption;
 - (d) forwarding the Cabinet response to the Scrutiny Committee (following adoption by the Cabinet) and attending a Scrutiny Committee to discuss their response.
- 2.10.11 Scrutiny Committees will be responsible for monitoring progress against the recommendations and ensuring the return of the Cabinet Member to the Scrutiny Committee within a defined timescale.

2.11 Appendix A

Task and Finish Group – Cabinet Response			
Scrutiny Recommendation	Accept (Plus Action)	Partially Accept (plus Rationale and Action)	Reject (plus Rationale)
R1			

R2			
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