

## **Part Eight – Protocols**

### **Section Eight – Executive-Scrutiny Protocol**

#### **Introduction**

1. The key responsibilities of overview and scrutiny at the Council are to:
  - hold the Leader, Leadership Team and senior Council officers to account for their decisions;
  - review Council policy, the way policies are implemented and their impact on local people;
  - scrutinise decisions before they are made and before they are implemented; and
  - contribute to the development of policy by investigating issues of local concern and making recommendations to the Leadership Team (and the Council's partners).
- 2 This protocol aims:
  - to build on the Constitution and establish a positive framework for scrutiny to work effectively
  - to maximise the effectiveness of Scrutiny Members, Lead Members and officers by enabling them to understand their powers, roles and responsibilities in relation to the scrutiny function.
  - to promote and maintain an ethos of mutual respect and trust in the relationships between Scrutiny Members, Lead Members and officers in a climate of openness to enable a constructive and challenging debate;
  - to hold the Leadership Team to account by monitoring the effectiveness of policies and through regular review of performance in relation to services; and
  - to achieve alignment between the work of Scrutiny and the policies and priorities of the Leadership Team.

#### **The Annual Scrutiny Work Programme**

- 3 The Overview and Scrutiny Committee will lead on the development of the Annual Scrutiny Work Programme. This will be developed considering:
  - Feedback from the public on the issues that matter most to them
  - Feedback from ward councillors
  - Risk
  - Performance data
  - Statutory requirements for scrutiny

- Major programmes of work delivering objective(s) within the Council Plan
- 4 The Overview and Scrutiny Committee will allocate a programme of scrutiny reviews to four themed Select Committees which look at priority issues in depth in order to gather evidence, hear expert views and develop solutions.
- 5 Additionally, the Chair, Vice Chair and relevant officers will meet each month to review the Forward Plan, looking at decisions scheduled to come forwards in the next 4-6 months. They will identify upcoming decisions where scrutiny could add value, and may:
- make recommendations to be considered by the Lead Member in bringing a decision to Leadership Team;
  - refer the issue to a Scrutiny Committee meeting; and
  - set up a scrutiny review.
- 6 Section 2 of the Constitution gives details of councillor’s rights of access to information.

### **Overview and Scrutiny Committee Meetings – Agenda Planning and Conduct of Meetings**

#### **Agenda Planning Meetings**

- 7 The agenda for each meeting will be prepared by the Governance Administrator, following liaison with:
- the relevant Chair;
  - the relevant Executive Director(s) and/or Directors; and
  - where appropriate, other relevant persons, e.g. partner organisations.
- 8 Where an officer or a Lead Member wishes to submit a report to the Overview and Scrutiny Committee or one of the Select Committees, this must be agreed by the Chair who will assess its relevance in relation to the Committee’s priorities and work programme.
- 9 In finalising those items that will comprise each agenda, the Chair will have careful regard to the Committee’s terms of reference and:
- the Committee’s agreed Work Programme for the year;
  - the need to identify a modest number of items (ideally no more than three per meeting) on which the Committee can most manifestly ‘add value’ in terms of developing or reviewing policies; proactive work on strategic issues; scrutinising performance where there is evidence of concern;
  - holding the Leadership Team to account on important matters;
  - the selection of items that engage the interests and concerns of the public and of as many committee members as possible;
  - the exclusion from agendas of routine items or those that are simply ‘for information’: in normal circumstances such items should be circulated separately

from the agenda despatch process and only come to Committee where substantive issues arise;

- the need to concentrate on broader service issues where possible, and avoid discussion of one-off or specific cases, events etc.; and
- the option of deferring an item when it is unclear how the committee can ‘add value’, where there may be double-handling, or where the issue is not an appropriate or priority area for that committee;

10 The Chair will also consider:

- alternative ways of handling an item or issue so as to help free-up full committee agendas, e.g. the designation of one or more Members to monitor a particular issue; or the establishment of ad hoc or working groups (with clearly-defined remits);
- alternative ways of handling business at committee meetings, e.g. presentations, followed by questioning and discussions use of ‘expert witnesses’; or alternative public ‘select committee’ or evidentiary hearings, workshops, themed meetings, etc.; and
- ensuring that sufficient time is allowed to hear from representatives of interest groups and members of the public.

11 There is no provision for ‘Any Other Business’ or ‘Chair’s Items’ on Select Committee agendas. In normal circumstances all items of business listed on an agenda sheet should be accompanied by either a written officer report or be the subject of an oral officer (or guest) presentation at the meeting itself. The Local Government (Access to Information) Act 1985 makes it clear that an item of business may not be considered at a meeting unless:

- (a) a copy of the agenda including that item has been open to inspection for at least 5 working days; or
- (b) the Chair is of the opinion that the item in question should be considered as a matter of urgency.

12 In ruling on items covered by (b) above, the Chair should have careful regard to the criteria set out above and the advice of Governance Services staff and should not:

- (i) expect officers to be able to respond, unprepared, to items raised in this way; or
- (ii) seek further action from officers, on the basis of items raised in this way, without a clear resolution of the Committee.

## **The Conduct of Meetings**

### **Lead Members**

13 The Overview and Scrutiny Committee and the Select Committees can require the attendance of the relevant Lead Members. The Chair may invite the Lead Member or the relevant Executive Director to present the report and answer questions.

14 More generally, Lead Members:

- can attend all Scrutiny meetings and may, with the Chair’s permission, speak on any item under discussion;
- can attend presentations made to committees and take part in the subsequent discussion, with the permission of the Chair;
- can request the Overview and Scrutiny Committee place any particular Key Decision report on the relevant Select Committee’s work programme in order to allow debate before the decision is taken; and
- can request the Overview and Scrutiny Committee ask the Select Committee consider an issue falling within the Lead Member’s portfolio and subsequently present a report, with recommendations, to the Lead Member.

### **Participation of Members of The Public at Committee Meetings**

- 15 Local people can, with the permission of and at the discretion of the Chair, speak at Committee meetings on any item of the agenda.
- 16 The Chair and other members of the Committee will consider, with the support of officers, how to promote public attendance and participation at meetings of the Committee and of meetings related to scrutiny reviews.

### **Scrutiny Reviews**

- 17 Committees may set up a scrutiny working group to carry out a piece of work, which will usually include detailed policy formulation. These working groups usually consist of between two and five Councillors. These Councillors can be drawn from more than one Committee. Officer support is usually drawn from the relevant business group/s, but can also be provided by the Scrutiny Team, or can be commissioned from external consultants.
- 18 Working groups can be put together in various ways and membership need not be limited to Councillors only. They may also include residents, partners, specialists, persons with specific interests or representing specific parts of the community (i.e. youth).
- 19 Working groups can use many ways of informing themselves about a subject area. Evidence gathering methods can range from simple desk-based research to commissioning specialist surveys and studies, holding public hearings, questioning senior managers or policy experts, making site visits, or arranging to experience a service directly.
- 20 In undertaking its work, the working group will identify and seek to engage as many stakeholders as possible (such as service users, advocacy and community groups, partner organisations and members of the public) who are affected by the subject under consideration or have an impact on it.
- 21 All reviews should culminate in a written report to the parent Committee setting out the findings of the review and the conclusions reached, together with any proposed recommendations. The final report of a working group will go to the Committee which, after discussion, may approve the report and recommend that it be referred to the Leadership Team and possibly to full Council, and any other relevant agencies for a

response. Alternatively, it may make amendments or ask for further work to be undertaken on the report.

- 22 The chair of the working group and/or the Chair of the Committee will formally present the report to the Leadership Team and request a written response addressing each of the recommendations. The Leadership Team will normally be expected to make a detailed response to the review within six to eight weeks. The chair of the committee and/or the chairman of the working group will be invited to the meeting of the Leadership Team at which a response is being agreed.
- 23 The working group's final report may also go to a full Council meeting, either before or after the Leadership Team's response. The timing is at the discretion of the Committee Chair.

### **Responses to Scrutiny Recommendations**

#### **Meetings**

- 24 The minutes of scrutiny meetings will include any recommendations made during a committee meeting and the reasons for those recommendations. Progress will be monitored at each meeting through the 'tracker' which is part of the agenda papers.
- 25 Recommendations from Select Committees and Overview and Scrutiny Committee will be made to the Leadership Team at the earliest opportunity. The Leadership Team will ensure a written response is provided within two months of receipt. The response will make clear:
  - whether the recommendations were accepted; and if they were
  - what action is planned as a result; or
  - whether the recommendations were not accepted; and if not why not.

#### **Working Groups**

- 26 Once responses to recommendations have been received, they will be collated and presented to the next scheduled Committee.
- 27 Their report will set out which recommendations have been accepted and which have been rejected. Committees need to be satisfied that due weight has been given to their views and that they are notified:
  - whether the recommendations were accepted; and if they were
  - what action is planned as a result; or
  - whether the recommendations were not accepted; and if not why not.
- 28 The Committee will consider how it wishes to follow up those recommendations that have been accepted. For example, it may ask for a report to be brought before it at a specified time, setting out progress in the implementation of the Committee's recommendations. Alternatively, the Committee could ask the original working group to meet again and periodically monitor the implementation of the recommendations. Review reports, once agreed by the parent committee, will go to the Leadership Team or a single Lead Member and possibly the full Council.

- 29 The Leadership Team is required to consider and respond to, indicating what if any action it proposes to take, and this response should be published within 2 months (Local Government Act 2000).

**The Role of the Statutory Scrutiny Officer and the Monitoring Officer**

- 30 The Statutory Scrutiny Officer, and Monitoring Officer, are the responsible officers for overseeing compliance with the Protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. The Scrutiny Annual Report will include an assessment of the effectiveness of the Protocol.