

EXECUTIVE/SCRUTINY PROTOCOL

4.5.21 Executive/Scrutiny Protocol

This protocol sets out an agreed way of working in respect of:-

- Attendance by Executive Members at Scrutiny Committees;
- Attendance by Executive Members at Informal Scrutiny Committees;
- Attendance by Officers at Scrutiny Committees;
- Attendance by Scrutiny Members at Executive;
- Referral of items by Executive (or Council) to Scrutiny for inclusion in the Work Programme;
- Development of the Scrutiny Work Programme
- Policy Review and Development;
- The submission of Scrutiny reports to the Cabinet (and Council);
- Responding to Scrutiny recommendations;
- Compliance with the Protocol

(1) Attendance by Executive Members at Scrutiny Committees

Members of the Council and Executive may attend meetings of a Scrutiny Committee to observe proceedings.

Executive Members may speak at Scrutiny Committee meetings at the invitation of the Chair.

Attendance by Executive Members at Scrutiny Committees is expected wherever an agenda item relates to their Portfolio. This may be a Policy/Strategy report; performance update or in relation to a review undertaken. Where possible the Executive Member should take an active part in presenting the report, supported by officers.

Executive Members will be informed at an early stage about Scrutiny reviews and agenda items that are wholly or partly within the remit of their Portfolio.

When attendance is required sufficient written notice (includes email) will be given and the purpose of the attendance explained. This will include circulation of agenda papers and official meeting appointments in advance of the meeting.

(2) Attendance by Executive Members at Informal Scrutiny Committees

Attendance by Executive Members at review working groups/Informal Committee is to inform debate, clarify matters and

contribute to a specific topic rather than to be held to account in respect of matters relating to the Portfolio Holder's responsibilities.

When attendance is required sufficient written notice (includes email) will be given and the purpose of the attendance explained. This will include circulation of agenda papers (where relevant) and official meeting appointments in advance of the meeting.

(3) Attendance by Officers at Scrutiny Committees

As outlined in the Scrutiny Procedure Rules there are specific circumstances in which officers will be required to attend Committee.

Officers will be given sufficient notice of the meeting and any report requirements. Agenda papers will be circulated giving at least five working days' notice of the meeting at which he/she is required to attend.

Officers in attendance at Scrutiny Committee meetings should be prepared to assist Executive Members in the provision of information to the Committee in response to any question raised.

They should also be prepared to support the Executive Member in presentation of report to Committee.

(4) Attendance by Scrutiny Members at Executive

Members of a Scrutiny Committee may attend meetings of the Executive to observe proceedings.

Members of a Scrutiny Committee may speak at Executive meetings at the invitation of the Leader.

The Chair or Vice-Chair of the relevant Scrutiny Committee will be invited to attend the Executive meeting to present scrutiny reports and recommendations.

(5) Referral of items by Executive (or Council) to Scrutiny for inclusion in the Work Programme

In making a referral to Scrutiny, the Portfolio Holders, Executive or Council should:

- Direct the referral to the Chair of the relevant Scrutiny Committee;
- Specify the reasons for the referral;
- Indicate what type of response is being sought (e.g. spotlight review);

- Provide information on any relevant timescales.

The relevant Scrutiny Committee Chair will determine which meeting of the Committee will receive and consider the referral and report back its decision to the Portfolio Holder, Cabinet or Council within agreed timescales.

Where the review suggestion is identified early enough the Executive/Executive Member should complete the Topic Submission Form and present to Scrutiny Committee for discussion prior to the start of the municipal year – where possible by 30th April.

Where the topic suggestion is in-year, the Executive/Executive Member should submit the completed form to the relevant Scrutiny Committee.

Attendance at the meeting where the suggestion is considered, to enable effective presentation to Scrutiny is expected, this can include attendance by lead officers.

(6) Development of the Scrutiny Work Programme

The work programme is a flexible plan which outlines the programme for the coming municipal year and is usually developed at the first meeting of each Scrutiny Committee after the Annual Council. The programme is drawn together by the Chair and members of the Committee and can include issues put forward by Members, topics that arise during discussion with Portfolio Holders and senior officers, concerns generated from Corporate Complaints, issues highlighted from the results of Citizen's Panel surveys, performance data and potential issues arising from corporate priorities.

All suggested topics for review should be presented to the Committee on the Topic Suggestion Form, to enable the Committee to assess suitability of suggestions using the prioritisation aid.

Topic suggestions are invited from Executive, all Non-Executive Councillors, Senior Leadership Team, senior managers, and the Equality Panel.

Consideration is also given to the Internal Audit Plan to ensure there is no duplication of work.

Each review topic suggestion will be given a score as a result of the prioritisation process and then progressed accordingly.

The work programme will also include all necessary monitoring reports in relation to elements of the Budget & Policy Framework that correlate to the Scrutiny Committee's terms of reference.

The Scrutiny Committee's will consider their work programmes at every meeting and adapt as required to include additional items, where possible, or adjust the timing of reports, where required.

(7) Policy Review and Development

As per the Council's corporate approach to Strategy and Policy development, the relevant Scrutiny Committee will need to be engaged as part of the development of any new Strategy or Policy. This will likely be within the consultation phase and again with the final draft document prior to submission to Executive.

In relation to those Strategies contained in the Budget & Policy Framework, the relevant Scrutiny Committee will also receive a minimum of an annual monitoring update on progress/performance against the objectives agreed.

(8) The submission of Scrutiny reports to the Executive (and Council)

The relevant Portfolio Holder(s) and lead officer(s) will be informed of the scope and timing of the Scrutiny review at an early stage, ideally prior to formal approval by the Scrutiny Committee.

Prior to finalising their reports, Scrutiny Committees will discuss their emerging recommendations with the Portfolio Holder(s) and lead officer(s).

The relevant Portfolio Holder(s) and lead officer(s) will be invited to attend the Scrutiny meeting that considers the review report.

Scrutiny review reports will be considered by relevant members of Senior Leadership Team before their submission to Executive, in order to provide a view on the feasibility of recommendations, including information on the costs, risks and benefits.

The relevant Portfolio Holder will be briefed by the lead officer and/or the Scrutiny & Elections Officer prior to the submission of the report to Executive.

The Chair/Vice-Chair of the relevant Scrutiny Committee will be invited to the Executive meeting (or Council where appropriate) to present Scrutiny review reports, for Members to consider the Review Report and endorse, reject or amend the recommendations.

(9) Responding to Scrutiny Recommendations

Executive will respond to recommendations from Scrutiny as soon as possible and within a maximum of two months. Any extension to the timescales will be agreed with the Chair of the relevant Scrutiny Committee.

If Executive fails to consider the recommendations or agree extensions to timescales, the report will be submitted to the next meeting of Council for consideration.

Executive's response will indicate whether each Scrutiny proposal/recommendation is accepted, rejected or deferred, giving reasons for that decision. This will be set out in an action plan acknowledging resources required, lead officers, comments from the service and delivery timescales.

Executive's decision on the recommendations will be reported to the next scheduled meeting of the relevant Scrutiny Committee for consideration.

The Scrutiny Committee will consider Executive's response and action plan and commence a 12 month Post-Scrutiny Monitoring period, with an Interim Update at six months.

The relevant Portfolio Holder and lead officer will prepare progress reports in line with the agreed monitoring timescales and will attend the Scrutiny Committee meeting to present it.

(10) Compliance with the Protocol

The Monitoring Officer is responsible 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. Matters relating to the protocol's success will be reported to full Council through the scrutiny annual report. The role also includes promoting the role of the authority's Scrutiny Committees, providing support and guidance to Members and officers relating to the functions of the Scrutiny Committees and providing a link between the Executive, Scrutiny Committees and the Senior Leadership Team.

The Scrutiny & Elections Officer will support the Monitoring Officer in ensuring compliance with the protocol. Acting in an advisory role with Scrutiny Members