

Report to Governance Committee

27 September 2022

Proposed Executive-Scrutiny Protocol

Report by Director of Law and Assurance

Electoral division: Not applicable

Summary

In May 2022 the Committee agreed to the development of an Executive-Scrutiny Protocol, in line with the national guidance on overview and scrutiny in local authorities. The aim is to enhance scrutiny by describing the relationship between scrutiny and the Executive (the Cabinet) and providing a framework for how they may work together most effectively. A draft Protocol has been developed through engagement with members, including a cross-party workshop and review by the Performance and Finance Scrutiny Committee.

Recommendations

The Committee is asked:

- (1) To agree the draft Executive-Scrutiny Protocol attached at Appendix A; and
 - (2) To review the effectiveness of the Protocol after one year.
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Proposal

1 Background and context

- 1.1 Statutory [national guidance](#) on scrutiny was issued by the Government in 2019. It includes a recommendation that councils should consider developing an Executive-Scrutiny Protocol to help with the practical arrangements between scrutiny committees and the executive, to define the relationship between the Executive and Scrutiny and provide a framework for working together.
- 1.2 In May 2022 this Committee agreed that such a Protocol would form a useful additional tool to enhance the effectiveness and understanding of the Council's scrutiny process and to complement the new Code of Governance agreed by the Committee in February 2022. The protocol is not intended to change, replace or duplicate the rules and procedures for scrutiny in the Constitution or the guidance provided to members in the Council's Scrutiny Guide.
- 1.3 The aims of the Protocol are to:
 - a) Set out good scrutiny practice

- b) Enable an open, trusting relationship between the Executive and Scrutiny
- c) Describe the roles and responsibilities of Scrutiny and the Executive
- d) Support focused, transparent and timely scrutiny of policy development
- e) Facilitate more effective scrutiny work programme planning and outcomes
- f) Enable Scrutiny to influence Council business in a meaningful way

1.4 A draft Protocol has been developed in line with these aims, through a programme of member engagement (as set out in paragraph 4) and through reviewing other councils' protocols. The draft Protocol is supported by the Performance and Finance Scrutiny Committee, Scrutiny Chairmen and the Cabinet.

2 Proposal details

2.1 The Committee is asked to approve the draft Executive-Scrutiny Protocol at Appendix A.

2.2 It is proposed that the protocol will be monitored by scrutiny chairmen and the Cabinet so that issues can be highlighted and acted upon, but with a full review to be carried out by the Governance Committee after one year. This will be informed by input from the Performance and Finance Scrutiny Committee as part of its annual review of scrutiny.

3 Other options considered (and reasons for not proposing)

3.1 The development of an Executive-Scrutiny Protocol is not a statutory requirement and is not essential to the operation of the scrutiny function. However, the adoption of a Protocol should enhance scrutiny arrangements and provide a mechanism for managing relationships. It will be important for the Protocol to be reviewed on a regular basis to ensure it is used effectively.

4 Consultation, engagement and advice

4.1 Engagement with members in the development of the Protocol was carried out as follows:

- 20 May 2022: An informal cross-party member workshop of scrutiny committee members
- 9 June 2022: Draft Protocol (output from cross-party workshop) shared with all members, with the opportunity to feed comments to the Performance and Finance Scrutiny Committee
- 17 June 2022: Review by the Performance and Finance Scrutiny Committee
- 2 August 2022: An informal meeting of Cabinet Members and Scrutiny Chairmen and Vice-Chairmen
- 8 August 2022: Draft Protocol shared with Minority Group Leaders for comment
- 7 September 2022: link to draft Protocol in the published Governance Committee agenda papers shared with all members, inviting comment via the Committee Chairman or other members

4.2 At the cross-party member workshop some general comments on scrutiny practice were also raised, not specifically relating to the Protocol. These were

reported to the [Performance and Finance Scrutiny Committee](#) in June as part of its annual review of Scrutiny.

- 4.3 Examples of Executive-Scrutiny protocols in other councils were reviewed as part of the preparation of the Protocol.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Ineffective scrutiny	Adoption of an Executive-Scrutiny Protocol with full member engagement will help to ensure robust scrutiny arrangements and clarity of roles of, and relationships between, Scrutiny and the Executive

7 Policy alignment and compliance

- 7.1 An Executive-Scrutiny Protocol will support the Council's constitutional commitments and ensure key governance arrangements are in line with national guidance.

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Appendices

Appendix A – Draft Executive-Scrutiny Protocol

Background papers

None