

Report to Governance Committee

13 September 2023

Executive-Scrutiny Protocol Review

Report by Director of Law and Assurance

Electoral division: Not applicable

Summary

In September 2022, the Governance Committee agreed a new Executive-Scrutiny Protocol, with the aim of enhancing scrutiny by describing the relationship between scrutiny and the Executive (the Cabinet) and providing a framework for how they may work together most effectively. It was also agreed that the Committee would review the effectiveness of the Protocol after one year.

Recommendations

The Committee is asked to review the effectiveness of the Executive-Scrutiny Protocol (attached at Appendix 1).

Proposal

1 Background and context

- 1.1 Statutory [national guidance \(PDF, 347KB\)](#) on scrutiny issued by the Government in 2019 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. 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. A Protocol was developed through a programme of member engagement and review of other councils' protocols. This was endorsed by the Governance Committee in September 2022.
- 1.2 The Protocol has been monitored by scrutiny chairmen and the Cabinet and with input from the Performance and Finance Scrutiny Committee as part of its annual review of scrutiny in June 2023. The Council's senior officer leadership group was also consulted as part of this review, with feedback set out in section 4 of this report.

2 Proposal details

- 2.1 The Committee is asked to review the effectiveness of the Executive-Scrutiny Protocol at Appendix 1. In carrying out this review, members are asked to

consider the aims of the Protocol at para 2.2, as well as the engagement feedback set out in section 4.

2.2 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

2.3 Overall, feedback on the impact and effectiveness of the Protocol has been positive. The process of developing the Protocol helped to strengthen scrutiny arrangements, including through more consistent Cabinet Member input into scrutiny work programme planning and recognition of the need for a better balance between scrutiny input into policy development, performance monitoring and key decision preview. The need to improve monitoring of scrutiny recommendations was also identified, and now scrutiny committees all have a process for tracking their recommendations, helping to assess the value and impact of scrutiny.

2.4 Whilst the rules and procedures for scrutiny are set out in the Council's Constitution, the Protocol provides a useful additional tool to enhance the effectiveness and understanding of the scrutiny process and to complement the Council's [Code of Governance](#). No changes to the Protocol are proposed, but it should continue to be monitored by scrutiny committee chairmen and the Cabinet.

3 Other options considered (and reasons for not proposing)

3.1 Executive-Scrutiny Protocols are not a statutory requirement and are not essential to the operation of the scrutiny function. However, it was considered that the adoption of a Protocol would enhance scrutiny arrangements at the Council and provide a mechanism for managing relationships.

4 Consultation, engagement and advice

4.1 Scrutiny chairmen and the Cabinet have been monitoring the Protocol throughout the year, and provided feedback for the Annual Scrutiny Report as follows:

- Information exchange between scrutiny and Cabinet is working well
- Cabinet Member input into work programme planning has been strengthened
- There is evidence of early valuable scrutiny of policy development and of performance monitoring working well, with constructive feedback to Cabinet on areas for improvement.

4.2 Performance and Finance Scrutiny Committee assessed the Protocol as part of its annual review of scrutiny in June 2023. It welcomed and supported the Protocol and considered that it was working well.

4.3 The officer Leadership Group (Directors and Assistant Directors) was invited to provide feedback on the Protocol, with comments provided set out below. Some of these are related to the scrutiny function in general and will be shared with scrutiny committee chairmen for consideration.

- Overall, scrutiny is adding value to the Council’s business through providing constructive challenge, holding decision-makers to account and influencing in a meaningful way.
- The current model of scrutiny at the Council is functioning well; the relationship between Cabinet Members and scrutiny is open, constructive and trusting and officers are listened to.
- Committee chairmen play a key role in ensuring positive relationships.
- Generally, scrutiny business is well planned and appropriately focused, but there can be challenges in terms of how to prioritise topics (which service lead officers can help to manage).
- There is effective scrutiny input into performance monitoring, through quarterly review of the Performance and Resources Report and the Fire and Rescue Service Performance Assessment Framework.
- It may be helpful to explore whether further training would be helpful for the co-opted members of scrutiny committees, to ensure they understand their roles.
- The use of informal briefings and pre-meetings is a helpful way to provide information updates, deal with points of clarification and enable committees to stay in touch with issues without the need for formal updates and progress reports. Pre-meetings could be further developed to support more strategic questioning by members, and to avoid questions being repeated (i.e. where the answer has been provided previously).

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	The Executive-Scrutiny Protocol helps 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 1 – Executive-Scrutiny Protocol

Background papers

None