

**Report to: Cabinet**

**Subject: Scrutiny Report**

**Report of the Executive-Scrutiny Protocol working group**

**Date: 19 March 2020**

**Author: Councillor Clunie, Chair of the Overview and Scrutiny Committee.**

### **Wards Affected**

Borough wide

#### **1. Purpose of the Report**

To present the final report and recommendations of the working group that has been developing an Executive-Scrutiny Protocol which will be used to define the relationship between the Overview and Scrutiny Committee and the Cabinet. Members are asked to consider the report and recommendations of the above review, previously approved by the Overview and Scrutiny Committee and refer the report to the appropriate Cabinet Member in order for a response to be made to the Overview and Scrutiny Committee at the next meeting.

#### **2. Background**

The relationship between the Executive (Cabinet and Portfolio Holders) and the scrutiny function is governed in part by legislation and the Council's Constitution, in particular the Overview and Scrutiny Committee procedures. The purpose of this protocol is to set out the principles which will be followed by both the Executive and the Overview and Scrutiny Committee.

- I. To enable Overview and Scrutiny members and the Executive members to fully understand their powers, roles and responsibilities in relation to the Overview and Scrutiny function
- II. To establish a framework and the necessary procedures to enable scrutiny to work effectively.
- III. To define and clarify the role of the Executive in the scrutiny process.

The Executive and the Overview and Scrutiny Committee have very different functions and responsibilities. However the aim of both is to secure the best outcomes for the people who live and work in Gedling.

It is the responsibility of the Executive to take decisions to implement the budget and the key policies set out in the policy framework agreed by Full Council.

The Overview and Scrutiny Committee has a number of responsibilities. These include:

- I. Holding the Executive to account on behalf of the residents of the borough of Gedling through the regular review of performance in relation to service delivery
- II. Holding the Executive to account through scrutinising its decisions
- III. Undertaking reviews of Council activities and those of other public bodies that affect the people who live and work in Gedling, leading to recommendations on improvements which can be made
- IV. Calling-in Executive decisions which have not yet been implemented if there is a need for aspects of the decision to be reviewed
- V. Assisting the Executive in policy formulation and developing recommendations on the budget and policy framework when examining the Executive's proposals.

### **3. Relationship between the Executive and Scrutiny.**

The following principles set out how the working relationship between the Executive and the Overview and Scrutiny Committee should operate.

- I. The Executive and members of the Overview and Scrutiny Committee recognise that they each have different functions and responsibilities that contribute to securing the best outcomes for the people who live and work in the Gedling borough.
- II. All participants in the working relationship between Executive and the Overview and Scrutiny Committee will do so in a spirit of mutual respect and constructive challenge.
- III. Meetings of the Overview and Scrutiny Committee should bear in mind the statutory guidance that scrutiny work should be conducted in a non-party political manner
- IV. The Executive recognises that the Overview and Scrutiny Committee has a number of rights, for example requiring Portfolio Holders to attend its meetings or calling-in Executive decisions which have not yet been implemented should they consider a decision to be reviewed. The Overview and Scrutiny Committee will exercise those rights responsibly.
- V. One of the principal responsibilities of the Overview and Scrutiny Committee is the ability of non-executive members to hold the Executive to account. An important method to ensure accountability is through examining performance and decisions taken by the authority. To facilitate this challenge the Overview and Scrutiny Committee may:

- a. Challenge the Executive about decisions which have been taken by Cabinet;
  - b. Consider performance information;
  - c. Query or ask for information about items which are set out in the Forward Plan.
- VI. In addition to their rights as councillors members of the Overview and Scrutiny Committee and its working groups have additional rights of access to documents as included in the Access to Information rules in the Constitution. This allows the committee access to copies of any documents which are in the possession, or control, of the Executive or its committees. There are a few limits on this access and these are identified in the rules.
  - VII. The Chair of the Overview and Scrutiny Committee, to maintain the independence of the committee, should declare an interest when presiding over the scrutiny of relatives who may be part of the Executive.
  - VIII. Members of the Executive cannot be members of the Overview and Scrutiny Committee and members holding a Policy Advisor role will not act as a member of the Committee to maintain separation of roles between the Executive and Scrutiny function.
  - IX. The Overview and Scrutiny Committee will report annually to Full Council to evaluate their work during the previous year and to summarise the programme for the forthcoming year.
  - X. The Leader and Chief Executive will attend a meeting of the Overview and Scrutiny Committee each year to discuss issues and priorities for the Council in the year ahead prior to the scrutiny work programme for the year being agreed.

#### **4. Conduct of Meetings.**

The following principles set out how meetings should be conducted in support of the general principles above.

- I. Meetings of the Overview and Scrutiny Committee which are attended by Portfolio Holders are subject to the relevant provisions in the Council's Constitution. They will usually be held in public unless exempt or confidential information will be discussed and consideration needs to be given whether the public and press should be excluded.
- II. Portfolio Holders required to attend the Overview and Scrutiny Committee will be given at least 5 working days' notice in writing by the Democratic Services Officer, together with an indication of the issues being raised and the expected focus of questioning.
- III. Members of the Overview and Scrutiny Committee are asked to notify the Democratic Services Officer of any factual information required in advance of the meeting.

- IV. When a Portfolio Holder is required to attend a Committee they may be accompanied by the relevant officer(s) to assist with explaining complex information. They may also be accompanied by the relevant Policy Advisor.
- V. Attendance by Portfolio Holders at task and finish working groups 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.

## **5. Developing a work programme for the Overview and Scrutiny Committee**

The work programme is a flexible plan which outlines the programme for the coming municipal year and is usually developed at the first meeting 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 the Corporate Complaints Policy, the Gedling Plan, results of the Gedling Conversation, performance data and potential issues arising from corporate priorities or the Forward Plan.

When selecting issues to be examined by a scrutiny working group the Committee will refer to the scrutiny review topic selection template to ensure it meets the criteria for selection.

The relevant Portfolio Holder and senior officer will be informed of any reviews undertaken that fall within their remit, and asked for observations on the final scoping document.

Executive members can suggest items for inclusion in the scrutiny work programme; however it is recognised that the Executive should not try to exercise control over the work of the Overview and Scrutiny Committee. It is ultimately for the Committee to determine whether to include such suggestions in the programme.

Once the work programme has been agreed the Overview and Scrutiny Committee will endeavour to deliver it, however it is recognised that the programme needs to be flexible enough to be able to accommodate urgent, short term issues or emerging priorities that may arise during the year. On occasion there may be good reason why an ongoing review is not concluded or planned review not commenced. This could be for a number of reasons including lack of capacity, insufficient evidence upon which to draft firm conclusions or decision by the Committee that it is no longer a priority. In such circumstances the relevant Portfolio Holder will be informed prior to the Committee deciding to remove the review from the work programme.

It is important that the work of the Overview and Scrutiny Committees receives broad publicity in order to ensure that residents and community groups are able to engage with the process. The Democratic Services Officer will work with the Council's Communications Team to publicise the work of the Committee.

## **6. Scrutiny Review Recommendations.**

- I. Following the conclusion of a scrutiny review the final report and recommendations will be presented to the Overview and Scrutiny Committee and when agreed submitted to the Executive for consideration. The chair, or appropriate member if the chair is not available, of the working group, will present the report and recommendations to the next scheduled meeting of the Executive.
- II. The Executive will provide a written response to the recommendations from the responsible Portfolio Holder and this will be presented to the Overview and Scrutiny Committee within twenty eight days of the date the review was presented to the Executive.
- III. The response will identify those recommendations that have been accepted and will be implemented, along with reasons for those that will not be taken forward.
- IV. The Overview and Scrutiny Committee has a duty to monitor progress of implemented recommendations. Accepted recommendations will be tracked using the Pentenna performance management software. After six months the Portfolio Holder responsible will be invited to attend the Committee to explain to members the progress of the implementation of accepted recommendations.

## **7. Compliance with this 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 committee, providing support and guidance to members and officers relating to the functions of the scrutiny committee and providing a link between the Executive, the Overview and Scrutiny Committee and the Senior Leadership Team.