

Protocol on Overview and Scrutiny Committee/ Executive Member/ Officer Relations

1.0 Introduction

- 1.1 This protocol applies to all Members of the Overview and Scrutiny Committee, any Member who may sit on a scrutiny task and finish group and all Members of the Executive (comprising the Leader and the Portfolio Holders). It provides guidance on the way in which both types of Members interact to enable the Authority to carry out the Overview and Scrutiny function.
- 1.2 The protocol also outlines the framework and procedures underpinning the operation of scrutiny and provides guidance on role of officers who support this process.

2.0 Objectives

- 2.1 This protocol exists:
 - to promote an ethos of mutual respect, trust and courtesy in the interrelationships between Scrutiny Members and Executive Members and foster a climate of openness leading to constructive debate, with a view to ensuring service improvements;
 - to create a culture of holding the Executive to account on behalf of the electorate, by monitoring the effectiveness of the Council's policies and through the regular review of its performance in relation to service delivery;
 - to establish a positive framework and the necessary procedures to enable scrutiny to work effectively;
 - to enable Overview and Scrutiny Members, Officers and Executive Members to fully understand their powers, roles and responsibilities in relation to the Overview and Scrutiny function, so as to maximise their personal effectiveness; and
 - to define and clarify the role of the Executive as an integral component of the scrutiny process.

3.0 Holding the Executive to account

- 3.1 One of the underpinning principles of Overview and Scrutiny is the ability of non-Executive Members to hold the Executive to account. A key method of ensuring accountability is through critically and routinely considering the performance and decisions taken by the Executive.
- 3.2 To facilitate this approach, the Overview and Scrutiny Committee may challenge the Executive about decisions, which it has taken either collectively, or by way of Executive Member Decisions, or Officer Key Decisions. The Overview and Scrutiny Committee may also consider any relevant performance information in respect of the delivery of services. In addition, the Committee may query or make recommendations in relation to decisions which the Executive is proposing to take, as set out in the Forward Plan.

- 3.3 The Executive will be required to consider any recommendations or views expressed by the Overview and Scrutiny Committee and to take such action it sees fit.
- 3.4 Where any decision taken by the Executive is not in accordance with advice provided by the Committee, the relevant Executive Member should be prepared to provide an explanation of the reasons for that decision to the Overview and Scrutiny Committee.

4.0 Powers of the Overview and Scrutiny Committee

- 4.1 The Overview and Scrutiny Committee is a committee of the Council and is accountable to the Council.
- 4.2 Section 6.2 of the Council's Constitution, sets out the relevant powers of the Overview and Scrutiny Committees, which include:
- (a) review any actions taken in connection with the discharge of any of the council's functions both in relation to individual decisions and performance over time;
 - (b) exercise the right of call in of any decision taken by the Executive, or by officers under the executive arrangements, which has not yet been implemented;
 - (c) consider any Councillor Call for Action requests, and take any follow up action as required;
 - (d) submit reports and/or make recommendations to the Executive, to Council or to any appropriate partnership or external agency on the delivery of public services;
 - (e) respond to consultation by the Executive;
 - (f) provide assistance with policy development and review, taking an early view on policy issues and providing evidence based recommendations.

5.0 Overview and Scrutiny Committee Agendas

- 5.1 The agendas of the Overview and Scrutiny Committee will normally contain an item listing all relevant decisions taken by the Executive, the relevant Executive Member and relevant Key Decisions taken by an Officer, since the last meeting. The purpose of this item is to provide an opportunity for Members to ask questions of the Executive Member about decisions taken, thereby ensuring that decisions fit within the budget and policy framework of the Council and that all relevant issues and information available have been taken into account.
- 5.2 The agenda of each Overview and Scrutiny Committee meeting will include an item on the Committee's Work Plan to enable the Committee's priorities for scrutiny for the remainder of the municipal year to be included and prioritised. The Executive may be invited to comment on the Committee's proposed priorities within the Work Plan to inform the selection process and to undertake a co-ordinating role by providing advice to the Committee about any potential conflict between proposed scrutiny topics and areas of planned policy development. The Executive may also advise the Committee about instances where it may be requested by the Executive to assist in policy development.

- 5.3 Members may at any time propose items for inclusion in the Committee's Work Plan. Such topics may include not only Council Services, but also any relevant item, which affects Allerdale or its residents.
- 5.4 The agendas of the Overview and Scrutiny Committee will normally include relevant performance management information, usually available quarterly. The purpose of this item is to assist Members to monitor the recent performance of services within its remit against key targets and to make recommendations or to implement a more detailed scrutiny review in relation to any areas of identified weakness.

6.0 Attendance by Executive Members at Overview and Scrutiny Committees (including 'Call-In' meetings)

- 6.1 Executive Members will be expected to attend meetings of the Overview and Scrutiny Committee for the purposes of being held to account in relation to decisions taken and to answer questions in relation to proposed decisions that have been included within the Forward Plan.
- 6.2 Executive Members are encouraged to avail themselves of every opportunity to gauge the views of non-Executive Members on any issues falling within their remit. A close working relationship and an open exchange of views will be of particular importance to the Executive Member and Scrutiny Members, where consideration is being given to the development of the Council's budget or policy framework.
- 6.3 Executive Members will normally be expected to attend any meeting of the Overview and Scrutiny Committee at which it is intended to consider a Call-In request in relation to his/her area of responsibility.
- 6.4 At Call-In meetings, the purpose of the Executive Member's attendance is to answer questions of fact and not to present the item. Executive Members need to be careful not to be drawn into the debate, so as to avoid any possible allegations of becoming involved in the scrutiny of their own decisions which may bring them into conflict with the Code of Conduct, therefore it is important to draw the distinction between answering questions of fact and becoming involved in the Committee debate into the issue in question.
- 6.5 Unless there are extenuating circumstances, the decision maker (or the relevant Executive Member if the decision maker is the Executive) should always attend a Call-In meeting. It is accepted however that Officers are often better placed to present greater detailed information that led up to the decision and this is deemed to be acceptable although it should always be the decision maker that is held to account.

7.0 Ethos of an Overview and Scrutiny meeting

- 7.1 All Members should promote an atmosphere of openness at Overview and Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Overview and Scrutiny Committee Members, the Executive Member and other participants.

- 7.2 Overview and Scrutiny Committee Members should be prepared to ask searching questions of Executive Members, who in turn should be willing to respond to any question put. It should however be stated that Scrutiny Committee Members should be aware of and show an understanding of the fact that Executive Members may not be in a position to answer every question immediately or in detail.
- 7.3 Executive Members should, in so far as possible, anticipate and be prepared to answer questions on decisions taken, or proposed to be taken, which fall within their remit. Executive Members should also value the contribution of Overview and Scrutiny Committee Members who raise questions under these headings and respond in an appropriate and professional manner.
- 7.4 Executive Members should normally be authorised to speak upon any item on the Agenda and may at any time offer to assist the Overview and Scrutiny Committee by the provision of factual information or advice in relation to the matters under discussion.
- 7.5 The Chairman of the meeting shall at all times ensure that the conduct of the meeting shall be fair and that all participants are treated courteously.
- 7.6 The Chairman, supported by the officers, should provide leadership and guidance to the Committee on all scrutiny matters and should promote the Committee's role to improve services and monitor the effectiveness of Council policies.

8.0 Format for items requiring Executive Members response

- 8.1 In respect of the agenda items referred to at Paragraphs 5.1 and 5.2, at the Overview and Scrutiny Committee meeting, the Executive Member will either provide a brief outline of the decisions taken, or proposed to be taken, within his/her area of responsibility, or will indicate that any Member of the Overview and Scrutiny Committee may raise a question upon the individual decisions reported.
- 8.2 No time limit shall apply to the questions put or responses given and there shall be no limit to the number of such questions which may be put by a Member in respect of any particular decision, save in so far as the Chairman shall be responsible for the effective conduct of the business of the meeting.

9.0 Response of the Executive Members

- 9.1 The Executive Member may give an answer:-
- by way of a direct oral answer;
 - where the information is in a publication of the Council or other published work, by reference to that publication;
 - where an officer is in attendance at the meeting, who can reasonably be expected to be in a position to give a reply, by referring the matter to the officer concerned.

- 9.2 Where the reply cannot conveniently be given orally, by way of a written answer circulated to the questioner within five working days, or to the whole Committee, if the Committee so request immediately after consideration of the matter; and where the reply cannot be given within the above timescale, a brief explanation for the delay and the likely timescale for response should be provided to the questioner.

10.0 Scrutiny Review Reports

- 10.1 The roles of key participants within the scrutiny process are defined as follows:

- 10.2 The Scrutiny Task and Finish Group

The Scrutiny Task and Finish Group is the body with responsibility for the compilation of a scrutiny report that is submitted to the Overview and Scrutiny Committee. The Scrutiny Task and Finish Group is accountable to the Overview and Scrutiny Committee for the timely delivery of the report in accordance with the content of the scrutiny scoping document which should be completed by the Task and Finish Group at the start of the review.

During the course of the review, the Scrutiny Task and Finish Group should consider all relevant evidence and ensure that any recommendations are fact based and robust. It is not however the role of the Task and Finish Group to obtain detailed costings around any recommendations that it makes. The draft report should be reviewed by officers prior to publication in Overview and Scrutiny Committee agenda papers.

The comments provided by those officers should be considered by the Scrutiny Task and Finish Group who will decide whether to make any changes to the report as a result. In any event the comments provided should go forward separately to the report for subsequent consideration by the Executive, alongside the main body of the report.

- 10.3 The Lead Member/Chair:

Each Scrutiny Task and Finish Group should be led by a member of and appointed by the Overview and Scrutiny Committee. It is the responsibility of the Lead Member to ensure that the objectives of the review have been achieved in accordance with what had been agreed in the scoping document. The lead member must ensure that the draft scrutiny report, once completed, has considered evidence from all angles and is well balanced in terms of objectivity and fairness.

- 10.4 The Overview and Scrutiny Committee:

Following a scrutiny report being approved by the Lead Member, it should then be forwarded to the Overview and Scrutiny Committee for information purposes and for comment on the report from a management perspective. The Overview and Scrutiny Committee should then forward the report to the Executive for consideration.

The Scrutiny Committee should receive scrutiny scoping documents that have been prepared by the Scrutiny Task and Finish Group. This will enable the Committee to monitor the progress of scrutiny reviews from an overarching

perspective and to request progress reports as to the timeliness of a review where appropriate.

10.5 Heads of Service:

It is recognised that senior officers have a valuable role to play in the scrutiny process in terms of the provision of factual evidence for a review. At the commencement of an internal review, the lead member will notify the relevant Head of Service who will then contribute to the review in terms of supplying information and helping to identify suitable witnesses. The Head of Service will be given the opportunity to comment and/or make recommendations on a completed draft report in terms of any factual errors. The decision as to whether to incorporate any suggested amendments will remain with the Scrutiny Task and Finish Group and the lead member.

The responsibility for the implementation of scrutiny recommendations that have been approved by the Executive will rest with the relevant Head of Service who will also be responsible for providing regular updates on progress to the Overview and Scrutiny Committee.

10.6 The Executive:

A completed scrutiny report, together with any comments provided by either SMT and / or the Head of Finance will be forwarded to the Executive who will consider whether or not to implement the recommendations contained within the report. In the event of a decision not to implement any of the recommendations, the relevant Executive Member must report the reasons for this to the Overview and Scrutiny Committee as soon as possible. In certain cases, the Executive might agree to implement a recommendation in part, in which case any such variations to an original recommendation must be reported to the Overview and Scrutiny Committee as soon as possible.

Prior to a completed report being formally considered by the Executive, the relevant Executive Member will have the opportunity to meet informally with the lead member of the Scrutiny Task and Finish Group in order to discuss the report's findings in detail. This meeting will also afford the opportunity for the rationale behind the recommendations to be discussed in more detail and for any issues or concerns to be clarified and explained with a view to agreement being reached wherever possible. The meeting should take place within 10 working days of the report having been considered by the Overview and Scrutiny Committee and the report should then go forward to the next meeting of the Executive.

If the content of a report, including any recommendations, is likely to impact on any external organisation, the Executive will have the opportunity to pass comment, including whether or not it endorses the recommendations, before the report is passed to the external body.

11.0 Attendance by Officers at Overview and Scrutiny Committee and task and finish group meetings

11.1 Meetings of the Overview and Scrutiny Committee will normally be attended by a Head of Service with responsibility for any agenda item under discussion. The role of the Head of Service will be to assist the Committee

through the provision of professional advice and to ensure access to relevant information and personnel.

- 11.2 The attendance of other relevant officers at either Overview and Scrutiny Committee or Scrutiny Task and Finish Group meetings will be at the request of the Chairman or lead member, who will have regard to the appropriate level of seniority of attendees. In general the relevant officer should not be below the level of Head of Service.
- 11.3 An officer in receipt of a request to attend an Overview and Scrutiny meeting should make reasonable efforts to do so. Where an officer is unable to attend on a particular date he/she should notify the Chair or lead member as soon as possible, in order to agree the most appropriate course of action, which may include the attendance of an alternative representative.
- 11.4 Officers in attendance at Overview and Scrutiny Committee meetings should be prepared to assist the Executive Member in the provision of information to the Committee in response to any question raised.
- 11.5 Relevant Officers will normally be expected to attend any meeting of the Overview and Scrutiny Committee at which it is intended to consider a call-in request in relation to his/her service.