

Scrutiny and the Executive Protocol

Borough Council of
King's Lynn &
West Norfolk



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1. Terminology

Scrutiny is shorthand for 'Overview & Scrutiny' which was a legislative function and concept first introduced by the Local Government Act 2000. Under the Council's Constitution, Scrutiny is undertaken by the Policy Review and Development Panels.

Executive means the Cabinet, as the Council adopts the strong Leader and Cabinet model of governance.

2. Background

The Local Government Act 2000 introduced new models of governance for local authorities that moved away from the Committee structure, in which there is a **separation of decision-making** and **scrutiny** of those decisions.

The objective of the Leader and Cabinet governance model is to deliver greater efficiency, transparency and accountability of local authorities. The model is intended to ensure that decisions can be taken more quickly and efficiently than in the committee system, that the individuals or bodies responsible for decision-making can be more readily identified by the public and that those decision-makers can be held to account in public by overview and scrutiny committees.

The Executive is charged with **implementing** the agreed budget and policy framework. Overview and Scrutiny committees are charged with **holding the Executive accountable for that implementation**. The Act also envisages that Overview & Scrutiny Committees **advise** the Executive and Council **on policy development**.

Scrutiny is the counterweight to the Cabinet model of governance.

3. Purpose of the Protocol

This Protocol sets out the expectations on how the Council's Policy Review and Development Panels and Cabinet interact to enable the Panels to carry out an effective Scrutiny function.

The Protocol aims to establish a positive framework to enable the Panels to work effectively. It aims to promote and maintain an ethos of mutual respect, trust and courtesy between Panel Members, the Executive and officers and encourage constructive challenge.

4. Scrutiny's Functions

The Terms of Reference for each Policy Review and Development Panel are set out in Part of the Constitution, which sets out the Terms of Reference for the primary Council's Bodies.

Scrutiny is not decision-making. The core headline statutory functions of Scrutiny are as follows:

Function	What this looks like
Accountability	Holding the Executive to account for decisions, performance and use of resources.
Constructive challenge	Acting as a 'critical friend' to improve decisions and policies
Policy development	Contributing early to shape strategy and priorities.
Performance oversight	Monitoring how well services and partnerships deliver for residents
Community voice	Bringing residents' perspectives and evidence into decision-making
Transparency and learning	Ensuring decisions and outcomes are open to examination and improvement

5. Expectations of Scrutiny

Scrutiny Members will:

- Act as a constructive critical friend to the Executive, offering evidence-based challenge to support improved decision-making
- Focus attention on matters of strategic importance and outcomes for residents rather than operational detail
- Prepare thoroughly for meetings, considering all relevant reports, evidence, and policy context
- Ensure that questioning during meetings is purposeful and proportionate
- Direct political and policy questions to Portfolio Holders with technical questions being answered by officers
- Make recommendations that are clear, justified and capable of implementation

- Be purposeful and proportionate in requests for information and seek to minimise unnecessary burdens on officers or the Executive.
- Engage in respectful and professional dialogue with Portfolio Holders and officers.
- Treat all information received in confidence in accordance with the Constitution
- Focus their challenge on strategic matters that add value, impact and support continuous improvement
- Work with the Executive to develop key and strategic Council policies
- Where possible, identify and raise in advance specific requests for further information or other evidence required for the Panel's functions
- Work collaboratively to achieve the best outcome for residents
- Work with an atmosphere of openness and climate of mutual respect and trust between all participants.

Scrutiny Members will not:

- Use scrutiny as a forum for attributing personal criticism and blame
- Duplicate the work of other panels or committees, or commission reviews without clear purpose or relevance.
- Use Scrutiny to simply rubber stamp Cabinet proposed decisions
- Use Scrutiny as a purely personal agenda

6. Expectations of the Executive

The Executive will:

- Recognise and value the role of Scrutiny as a key element of good governance and democratic accountability
- Be prepared to:
 - present on a decision or proposed decision in their Portfolio to the Panel;
 - provide justification for the decision or proposed decision;
 - answer questions posed by Panel Members with regards to the matters underpinning the decision made or proposed; and
 - answer questions on the rationale and policy objectives which resulted in the proposal/decision.
- Engage openly, constructively and respectfully with Scrutiny

- Attend Scrutiny meetings when there is an item within their Portfolio on the agenda. In their absence they must arrange for the Leader or Deputy Leader to attend in their place
- Ensure they are fully prepared and briefed on the matters within their Portfolio Holders in order to be questioned and held accountable for their decision or proposed decision
- Provide clear, timely, and accurate information to enable effective scrutiny
- Respond formally to Scrutiny recommendations within agreed timescales, setting out actions taken or reasons for non-implementation
- Support Scrutiny's right to access information and evidence necessary to fulfil its statutory role
- Work with the Scrutiny to develop key and strategic Council policies
- Promote a culture of openness and transparency across the organisation in dealings with Scrutiny and encourage Scrutiny to be approached as a constructive process that contributes to learning and service improvement
- Ensure that forward plans and decision notices are kept up-to-date and shared proactively to support work programming
- Invite the Panel Chair, or a representative from the Panel, to attend the Cabinet meeting where recommendation from the Panel is being considered.

The Executive will not:

- Withhold information from Scrutiny except strictly in accordance with the Constitution and the legal framework.
- Seek to direct or control the work of Scrutiny Panels or their conclusions.
- Treat Scrutiny as a procedural formality rather than a meaningful part of decision-making.
- Use attendance at Scrutiny to promote political or personal agendas

7. Work Programming and Forward Planning

Scrutiny Panels will agree Annual Work Programmes at the beginning of each Municipal Year that are aligned with the Council's Corporate Strategy and the Cabinet Forward Plan.

Cabinet and the Corporate Leadership Team will be consulted by the Panels regarding the content of the Annual Work Programme before they are agreed by the Panels.

Work programmes will focus on strategic issues where Scrutiny can add value and impact and will be reviewed periodically by the Chairs of the Panels.

The Executive will support the planning process by sharing early notice of emerging policy proposals and forthcoming decisions.

The Scrutiny Officer will keep the Panels informed of the outlines of major decisions as they are developed, to enable to Panels to consider their contribution in accordance with this Protocol.

8. Training, Implementation and Review

All Scrutiny Members and substitutes will receive induction and ongoing development to support effective scrutiny.

Specialist training for Chairs and Vice-Chairs will be provided on questioning, evidence-gathering and relationship management.

The Scrutiny and Executive Protocol will be reviewed annually by Democratic Services in consultation with the Monitoring Officer, Panel Chairs and the Leader to ensure it remains current and effective.

Authority is delegated to the Monitoring Officer to make non-material amendments to the Protocol.

The Scrutiny Officer and Monitoring Officer will be responsible for overseeing compliance with the Protocol.