

Scrutiny and the Executive Protocol

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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. Holding the Executive to Account

Should look like:

- Providing a "critical friend" challenge
- Analysing evidence against proposals for improvement
- Formulating clear, concise, evidence-based recommendations which have been subject to feasibility considerations
- Identification of areas for improvement, methods for measuring the impact of improvements and realistic timeframes for implementation and feedback
- Questions and challenge should be relevant, proportionate and appropriate
- Challenge should be focused on strategic matters that add value and impact
- Working with the Executive to develop Council policies
- Where possible, identifying and raising in advance specific requests for further information or other evidence required for the Panel's functions
- Working collaboratively to achieve the best outcome for residents
- An atmosphere of openness and climate of mutual respect and trust between all participants.

Should not look like:

- Confrontation
- Challenging individuals or personalities
- Party politics
- Conducting a witch hunt
- Rubber stamping Cabinet decisions
- Championing a personal agenda

6. The Executive Role in the Scrutiny Process

- Portfolio Holders are invited to attend any Scrutiny meeting where a decision or proposed decision falling in their Portfolio is to be scrutinised, including via the call-in process. In their absence they should arrange for the Leader, Deputy Leader or another Portfolio Holder to attend in their place.
- Portfolio Holders are to be questioned and held accountable for their decision or proposed decision.
- Portfolio Holders should be prepared to:
 - present their report to the Panel;
 - provide justification for the recommendation, proposal or decision;
 - answer questions posed by Panel Members with regards to political matters underpinning the decision made or proposed.
 - answer questions on the rationale and policy objectives which resulted in the proposal/decision.
- Officers will be present to answer questions posed by the Panel Members concerning technical issues underpinning the report/decision.
- Cabinet and the Corporate Leadership Team will be consulted with by the Policy Review and Development Panels regarding the content of the Annual Work Programme for each Panel, to be agreed at the first meeting of the Municipal year by each Panel.
- Cabinet will invite the Panel Chair, or a representative from the Panel, to attend the Cabinet meeting where recommendation from the Panel is being considered. They can attend the meeting to speak on the item and present the recommendations from the Panels, this is especially important if the Panels have made counter recommendations for Cabinet's consideration.

Signed May 2026:

Leader of the Council.....

Chair of the Corporate Performance Panel.....

Chair of the Environment and Community Panel.....

Chair of the Regeneration and Development Panel.....