

## POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Environment and Community Panel		
DATE:	1 September 2020		
TITLE:	Draft Scrutiny and the Executive Protocol		
TYPE OF REPORT:	Policy Development		
PORTFOLIO(S):	Leader of the Council		
REPORT AUTHOR:	Democratic Services		
OPEN/EXEMPT	OPEN	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

### **REPORT SUMMARY/COVER PAGE**

<b>PURPOSE OF REPORT/SUMMARY:</b>
<p>In May 2019 the Ministry of Housing, Communities and Local Government published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities. This is statutory guidance and Local Authorities must have regard to it when exercising their functions.</p> <p>Section 2.11(d) of the Guidance sets out that it is the responsibility of both the executive and scrutiny to work together to manage disagreement and one way in which this can be done is via an Executive/Scrutiny Protocol which can help define the relationship between the two.</p> <p>A draft protocol has been prepared by officers for consideration by the Panel and is attached to this report.</p>
<b>RECOMMENDATIONS:</b>
<p>The Panel is requested to consider and comment on the draft Protocol prior to its submission to Cabinet and then Council.</p>
<b>REASONS FOR RECOMMENDATIONS:</b>
<p>To respond to the Statutory Guidance and promote a good working relationship between Scrutiny and the Executive.</p>

1. In May 2019 the Ministry of Housing, Communities and Local Government published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities. This is statutory guidance and Local Authorities must have regard to it when exercising their functions.

Section 2.11(d) of the Guidance states the following:

“Managing Disagreement – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an ‘executive-scrutiny protocol’ which can help define the relationship between the two and mitigate and difference of opinion

before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.”

2. Officers have prepared a draft protocol for the Panel to consider. The draft protocol, which is designed to assist Panel Members and the Cabinet, defines the relationship between the Executive and Scrutiny and the role of Cabinet Members in the Scrutiny Process.
3. Group Leaders have been involved in the drafting of the Protocol and suggestions have been included in the protocol as appropriate.
4. The Panel is requested to consider and comment on the Protocol prior to its consideration by the Cabinet.
5. Background Papers

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Ministry of Housing Communities and Local Government – published May 2019 - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800048/Statutory\\_Guidance\\_on\\_Overview\\_and\\_Scrutiny\\_in\\_Local\\_and\\_Combined\\_Authorities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf)