

## REPORT TO CABINET

<b>Open/Exempt</b>		Would any decisions proposed :			
<b>Any especially affected Wards</b>	<del>Mandatory/</del>	Be entirely within Cabinet's powers to decide		<del>YES/NO</del>	
	<del>Discretionary/</del>	Need to be recommendations to Council		YES/ <del>NO</del>	
	Operational	Is it a Key Decision		<del>YES/NO</del>	
Lead Member: Brian Long E-mail: <i>cllr.brian.long@west-norfolk.gov.uk</i>			Other Cabinet Members consulted: n/a		
			Other Members consulted: Group Leaders		
Lead Officer: Alexa Baker E-mail: <i>alexa.baker@west-norfolk.gov.uk</i> Direct Dial:			Other Officers consulted: Democratic Services Manager		
Financial Implications <del>YES/NO</del>	Policy/ Personnel Implications <del>YES/NO</del>	Statutory Implications <del>YES/NO</del>	Equal Impact Assessment <del>YES/NO</del> If YES: Pre-screening/ Full Assessment	Risk Management Implications <del>YES/NO</del>	Environmental Considerations <del>YES/NO</del>

Date of meeting: 22 September 2020

### SCRUTINY AND THE EXECUTIVE PROTOCOL

#### Summary

This report presents a draft Protocol which is designed to assist Panel Members of the Policy Review and Development Committees and the Cabinet by defining the relationship between the Executive and Scrutiny and the role of Cabinet Members in the Scrutiny process.

This Protocol has been prepared in response to the Ministry of Housing, Communities and Local Government's Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities ("the Statutory Guidance"). This is statutory guidance and Local Authorities must have regard to it when exercising their functions.

The draft Protocol was presented to all three Panels and was supported.

#### Recommendation

- 1) To consider the draft Protocol attached and whether the proposed changes should be recommended to Full Council for approval as drafted.
- 2) That the operation of the Protocol be reviewed after 12 months of operation.

#### Reason for Decision

To respond to the Statutory Guidance and promote a good working relationship between Scrutiny and the Executive.

## 1 Background

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

Section 2.11(d) of the Statutory 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 Options Considered**

- 2.1 Officers have prepared a draft Protocol in response to the Statutory Guidance to promote a positive working relationship between Scrutiny and the Executive. Group Leaders have been involved in the drafting of the Protocol and suggestions have been included in the Protocol as appropriate.
- 2.2 It is not a requirement for a Protocol to be adopted, but the Statutory Guidance suggests this approach is a beneficial way to provide a framework for disagreement and debate, and a way to manage it when it happens.

## **3 Policy Implications**

None

## **4 Financial Implications**

None

## **5 Personnel Implications**

None

## **6 Environmental Considerations**

None

## **7 Statutory Considerations**

The Council is required to have regard to the Statutory Guidance by virtue of section 9Q of the Local Government Act 2000

## **8 Equality Impact Assessment (EIA)**

(Pre screening report template attached)

## **9 Risk Management Implications**

A positive working relationship between Scrutiny and the Executive should promote good governance and it is proposed the draft Protocol will assist with this relationship by setting the framework for interaction between the Executive and Scrutiny.

## **10 Declarations of Interest / Dispensations Granted**

None

## **11 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)