



Scrutiny

3 November 2020

Report of: Councillor Pat Cumbers - Scrutiny
Chairman

Executive Scrutiny Protocol

Corporate Priority:	All
Relevant Ward Member(s):	N/A
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 The Draft Executive Scrutiny Protocol is presented to the Committee for review and feedback.

2 Recommendations

That Scrutiny Committee:

- 2.1 Provide feedback on the Draft Protocol;**
2.2 Agrees that final amendments may be agreed in consultation with the Scrutiny Chairman and Leader of the Council before being presented to Council for approval.

3 Reason for Recommendations

- 3.1 To provide the opportunity for the Committee to consider and feedback on the protocol and for any suggestions for amendment to be discussed.
- 3.2 To establish a joint approach between the Executive and Scrutiny in relation to the function of the Scrutiny Committee and its role in the decision making structure of the Council.

4 Background

- 4.1 Melton Borough Council adopted the Executive model of governance in May 2019.
- 4.2 In May 2019 the Government published [Statutory Guidance on Overview and Scrutiny in Local Authorities](#) which promoted a formal working agreement between the executive and the scrutiny function in the form of a protocol. The guidance suggests that an Executive Scrutiny Protocol can help to define the relationship and expectations between the Cabinet and Scrutiny Committee to ensure that the two can work together in a positive and productive way. The protocol may provide a framework, rather than a prescriptive set of rules, it “can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics”.
- 4.3 The Melton Borough Council Scrutiny Committee published their first annual report in 2020 and committed to establish an executive scrutiny protocol in order to clarify the role of the Scrutiny Committee, provide a framework to define the relationship with the Executive and Senior Leadership Team and define the functions and remit of the Committee.

5 Main Considerations

- 5.1 The protocol should be read in conjunction with the Cabinet, Scrutiny and Call-in Procedures Rules. It is drafted to provide a framework which allows for certainty in relation to the responsibilities and expectations of Members and Officers but also provides a degree of flexibility and discretion to ensure that members are able to take a common sense approach and are not fettered by the provisions so as to impede or frustrate the Council’s decision making processes.
- 5.2 The document is designed to enable the decision making process and provide a basis for effective scrutiny in the following key aspects (as identified in the “Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities”):
- Providing constructive ‘critical friend’ challenge;
 - Amplifying the voices and concerns of the public;
 - Being led by independent people who take responsibility for their role; and
 - Driving improvement in public services.
- 5.3 The process of drafting of this document has exemplified the culture of collaboration that is already in existence and which has now been given a degree of formality within the protocol. The Leader and the Chairman of Scrutiny and Officers have worked together to create a document which sets out realistic and positive expectations and aspirations in relation to the Scrutiny function.
- 5.4 The Scrutiny Committee are invited to provide comment and feedback on the draft protocol.
- 5.5 Once finalised the protocol will be presented to Council for approval to be inserted into the Constitution.

6 Options Considered

- 6.1 There is no statutory requirement to have an Executive Scrutiny Protocol, but it is considered a matter of good practice to establish such a framework which supports a collaborative approach to Scrutiny.

7 Consultation

- 7.1 The Scrutiny Chairman has consulted with the Leader of the Council in drafting the protocol.
- 7.2 The Leader of the Council has provided an opportunity for Cabinet Members to feedback on the Protocol.

8 Next Steps – Implementation and Communication

- 8.1 Once finalised the protocol will be presented to Council for approval. Subject to Council approval it will be added to the Council's Constitution.
- 8.2 It is proposed that the Protocol is added to Chapter 4 of the Melton Borough Council.
- 8.3 Compliance with the protocol will be monitored by the Monitoring Officer and the Scrutiny Officer. Any matters arising will be reported to Council through the Scrutiny Annual Report.

9 Financial Implications

- 9.1 There are no financial implications to this report.

Financial Implications reviewed by: Deputy S151 – 23 October 2020

10 Legal and Governance Implications

- 10.1 There are no legal implications to this report.
- 10.2 It is intended that the Executive Scrutiny Protocol be incorporated into the Council's Constitution. Approval and amendment of the Constitution is a Council function and therefore the protocol will be presented to Council for approval once it has been finalised.

Legal Implications reviewed by: Monitoring Officer – 26 October 2020

11 Equality and Safeguarding Implications

- 11.1 There are no equality or safeguarding implications.

12 Community Safety Implications

- 12.1 There are no Community Safety implications.

13 Environmental and Climate Change Implications

13.1 There are no environmental and climate change implications.

14 Risk & Mitigation

14.1 There are no risks associated with this report.

15 Background Papers

15.1 There are no background papers.

16 Appendices

16.1 Appendix A – Draft Executive Scrutiny Protocol

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