

Watford Borough Council Executive/Scrutiny protocol

Purpose

To describe the working arrangements between the Executive and Scrutiny at Watford Borough Council.

The aims of the protocol are to:

- Describe the roles and responsibilities of scrutiny committees and Cabinet.
- Set out good scrutiny practice for driving improvement in public services.
- Promote an ethos of mutual respect, trust and courtesy in the interrelationships between Scrutiny and Cabinet members and to foster a climate of openness leading to constructive debate, with a view to ensuring service improvements.
- Support focused, transparent and timely scrutiny of council business.
- Facilitate effective scrutiny work planning.
- Enable scrutiny committees to influence council business in a meaningful way.

Context

The Cabinet is the political executive of the council and takes decisions within the policy framework agreed by Council. Scrutiny provides a political check and balance on that authority. It helps ensure robust decision-making by examining the process and information that support decisions. Scrutiny is integral to democracy in ensuring the Council meets its priorities for residents by influencing the planning and delivery of outcomes and by monitoring performance.

There are two scrutiny committees at Watford; Overview and Scrutiny Committee and Finance Scrutiny Committee. They are politically proportionate and meet in public. Overview and Scrutiny Committee also establishes time-limited task groups to undertake focused scrutiny on specific issues. Cabinet engages with Scrutiny for work planning to identify where scrutiny might add value. Scrutiny exercises influence and persuasion but does not take decisions and cannot override Cabinet. Scrutiny should be open and transparent, but does undertake some work in private, outside formal committee meetings, when undertaking task group reviews to support agile working, a more thorough analysis or a frank exchange of views.

[National guidance](#) defines effective scrutiny as:

- Providing constructive 'critical friend' challenge.
- Amplifying the voices and concerns of the public.
- Being led by independent people who take responsibility for their role.
- Driving improvement in public services.

To be effective, Scrutiny needs an organisational culture which confers the same respect and has the same importance in the governance system as executive decision-making activities. It requires a constructive relationship with the Cabinet where roles and responsibilities are understood. Good communication, engagement and mutual respect are vital in this relationship. There should be a shared understanding of the principles underpinning the relationship and the ways of working that support it.

Principles

Scrutiny should:

1. Provide purposeful challenge to the Cabinet and service performance.
2. Be objective, evidence-based and constructive.
3. Act as a critical friend to help sound decision-making.
4. Take a strategic perspective, focussing on the wider community outcomes.

5. Aim for consensus, drawing on political insight.
6. Work collaboratively with the Cabinet and recognise that there will not always be full agreement with scrutiny conclusions and recommendations.
7. Be well informed, with members being fully prepared for meetings with a good understanding of the issues before them.

Cabinet should:

1. Recognise and value Scrutiny, and its rights, and be open to constructive challenge.
2. Respect the independence of scrutiny committees and their chosen work programmes.
3. Identify opportunities for scrutiny committees to support and influence its work.
4. Properly and fully consider Scrutiny conclusions and findings.
5. Feedback and explain its response to Scrutiny recommendations.
6. Engage with Scrutiny early to enable it to add value in a timely way.

Together, Scrutiny and Cabinet should:

1. Communicate and engage early on plans and activities.
2. Foster a climate of trust, openness, honesty and integrity, sharing timely information including that which may be confidential or sensitive.
3. Be positive and respectful in their interactions with each other.
4. Manage any areas of disagreement in a constructive way.

Scrutiny's rights

Scrutiny members have a number of rights set out in legislation:

- The right to refer a relevant matter to the committee. This provision does not apply to planning and licensing, or to matters which are vexatious, discriminatory or not reasonable to be included in the agenda.
- The right to review called-in key decisions, within the parameters set out in the constitution.
- The right to require executive members and officers to appear before them.
- The right to have access to information about the authority particularly on performance, management and risk and have broader rights than other councillors in relation to access to information. This relates particularly to:
 - an action or decision that a member is reviewing or scrutinising; or
 - any review contained in any programme of work of a scrutiny committee / task group
 - a document or part of a document containing advice provided by a political adviser or assistant.

Scrutiny committees cannot oblige either the executive, the council or external bodies to act upon their findings.

Ways of working together

Communication and engagement

- Cabinet will engage with scrutiny committees at an early stage in the development or review of relevant strategies, policies and plans, to enable meaningful and timely scrutiny input.
- Cabinet members and Scrutiny chairs will liaise regularly to update on plans and activities.
- Scrutiny will communicate about its work and its work programme regularly to the Cabinet, and all members, both informally and through the annual scrutiny report to Council.

Scrutiny work planning

- The work programme will reflect council priorities and be balanced between policy and strategy development, service reviews and performance monitoring.
- Any member (not just scrutiny councillors), as well as officers and members of the public, may raise issues for the scrutiny work programme.

Scrutiny committee chairs

- Chairs should ensure Scrutiny is member-led and independent, setting the tone for constructive challenge to the Cabinet.
- Chairs are responsible for managing meetings, enabling debate and maintaining focus of Scrutiny. They ensure effective work programme planning.
- Collectively, they monitor the overall Scrutiny function to ensure best practice and learning are embedded.

Task groups

Portfolio Holders can assist task group reviews in a number of ways including:

- Meeting the Scrutiny chair and officers at the outset of the review, when the task group is considering its scope, methodology and witnesses and as appropriate, during the process.
- Attending task group meetings and providing context and the executive's perspective, as invited by the task group.
- Giving evidence, as required, during the course of the review.

Key decisions

Overview and Scrutiny Committee will examine the Notice of Executive Decisions and the Council's Delivery Plan to identify areas where there is potential for scrutiny to review a topic as well as noting the progress of key decisions.

Policy development

- Cabinet members and officers should draw to the attention of Scrutiny key strategy and policy plans at the earliest opportunity.
- Cabinet members and officers should discuss with scrutiny committees how and when scrutiny can best influence strategy and policy development.
- The approach to scrutiny of strategy and policy development will be agreed by Overview and Scrutiny Committee but may be carried out informally by a task group.

Performance monitoring

- Scrutiny committees will monitor the progress against the Council and Delivery Plans and the performance report.
- Scrutiny committees and Cabinet members should share views about the performance measures that are in place.
- Scrutiny committees may use performance data to identify issues for further scrutiny.

Scrutiny meetings

- Cabinet members will aim to attend all scrutiny meetings which relate directly to their individual portfolio, where possible.
- Questions will be directed to the Cabinet member but may be referred to an officer if need be. It is the role of the Cabinet member to respond to questions on behalf of the executive, rather than asking their own questions.
- Members should be respectful of each other and of officers and guests presenting at meetings.

Scrutiny recommendations

- Scrutiny recommendations will be clear, reasoned and outcomes focused to assist response and monitoring and to help evidence the impact scrutiny has on Council business. As far as possible, recommendations should be SMART (specific, measurable, achievable, realistic and timebound).
- Cabinet will give due consideration to Scrutiny recommendations and views.
- Cabinet responses to recommendations will be reported to the next meeting of Overview and Scrutiny Committee.
- Responses will include an explanation for why any recommendations have not been accepted.
- The relevant Scrutiny chair will attend Cabinet to present scrutiny reports and give feedback from their committee on the review.

Information

- Scrutiny should have the information that underpins policy and decision-making to be able play its role and for assurance regarding the evidence used.
- Cabinet and officers will be open and transparent and will provide the information scrutiny committees need to do their job effectively. Information will be provided in a timely way to enable meaningful input.
- The overriding principle is transparency. When information cannot be made available the reasons will be clearly explained.
- Scrutiny committees will have background information on issues being scrutinised through pre-meetings, briefings and advice from officers.
- Where possible, all members should have briefings on significant strategies, policies and proposals under development. It is understood that some initiatives will necessarily remain confidential in accordance with the Local Government Act 1972 Schedule 12 A and will not be shared until they are fully worked up and ready for formal consultation or implementation.
- Members will keep themselves informed through research and be well prepared for meetings by reading papers in advance.
- The constitution requires that members sitting or substituting on a scrutiny committee undergo relevant scrutiny training every other year.

Officer Support

There is dedicated support within Democratic Services for the Scrutiny function and all officers of the Council are available to provide impartial advice to scrutiny committees. Of particular importance is the role played by statutory officers: the Group Head of Democracy and Governance (the council's Monitoring Officer), the Director of Finance (the Section 151 Officer) and the Chief Executive (the Head of Paid Service). They have a particular role ensuring that timely, relevant and high-quality advice is provided to scrutiny committees.

Within the Corporate Management Team, there is a dedicated lead for the scrutiny function. The role of the CMT lead is to provide senior support and strategic direction to Scrutiny and to ensure that the function aligns well with corporate priorities.

Review

This Protocol was agreed by portfolio holders and Overview and Scrutiny Committee on 18 October 2023 and will be reviewed after one year by Overview and Scrutiny Committee. The Group Head of Democracy and Governance will be responsible for overseeing compliance with the Executive Scrutiny Protocol. It will be monitored on a regular basis by scrutiny chairs and the Cabinet so that

any issues can be highlighted at an early stage and acted upon. The success of the protocol will be determined by reference to evidence of:

- Recognition of the value of Scrutiny.
- A record of constructive challenge and impact.
- Timely scrutiny reviews that achieve identified outcomes.
- An open and reasoned decision-making process.
- Effective performance monitoring.
- Scrutiny work programmes balanced between policy development, service review and performance monitoring.