

Part A

**Report to:** Overview and Scrutiny Committee

**Date of meeting:** Wednesday, 18 October 2023

**Report author:** Senior Democratic Services Officer

**Title:** Executive/Scrutiny protocol

## 1.0 Summary

1.1 This report provides an overview of the draft Executive/Scrutiny protocol for approval. The protocol sets out the relationship between the Executive and Scrutiny and good practice for driving improvements in public services.

## 2.0 Risks

2.1 There are no risks associated with this report.

## 3.0 Recommendations

3.1 To approve the protocol, with any appropriate amendments.

### **Further information:**

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**Report approved by: Ben Martin, Associate Director of Planning, Infrastructure and Economy**

## 4.0 Introduction

4.1 Overview and scrutiny has been a feature of local government in England for 20 years. Scrutiny is a strategic function of the authority; central to the organisation's corporate governance. Most importantly, it should provide councillors who are not in executive decision-making roles with the opportunity to publicly hold to account Cabinet – and, beyond the council, to investigate and inquire into issues of interest and relevance to local people.

4.2 The challenge of ensuring that scrutiny meets that ambition is not just the responsibility of scrutiny councillors and the officers who support them. Fundamentally, a successful scrutiny function hinges on the commitment of those in leadership positions. It is about the mindset and values of those in decision-making positions – about the council's political and organisational culture.

- 4.3 In May 2019 the Government published statutory guidance on overview and scrutiny, a key component of the guidance was the importance of culture to the success of scrutiny. Without an open, transparent and accountable culture within a council, the guidance notes that scrutiny will struggle.
- 4.4 The guidance further recommends that an executive/scrutiny protocol be agreed to deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics. Noting that there is the potential for differences of opinion between the Executive and Scrutiny, a protocol can help define the relationship between the two and mitigate issues before they manifest themselves in unhelpful and unproductive ways.
- 4.5 Scrutiny also plays an important role in oversight of the authority's finances, therefore a productive and robust approach to finance scrutiny will assist in ensuring good value for money.

## **5.0 Draft protocol**

- 5.1 Following an exercise to review published protocols in operation in other areas, a protocol has been drafted that reflects current arrangements in Watford.
- 5.2 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 members 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.
- 5.3 Much of what is in the protocol formalises current practices between the functions, there are however, a few areas where a more developed approach to co-operation is set out. These include:
- That the relevant portfolio holder(s) could meet 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.
  - Cabinet responses to recommendations will be reported to the next meeting of Overview and Scrutiny Committee. A piece of work will be undertaken to ensure a more consistent approach to reporting back to Scrutiny.
- 5.4 The protocol is to be overseen by the Group Head of Democracy and Governance as the Monitoring Officer. The government guidance recommends that it remains under regular review. It is proposed that this be included in the Annual Scrutiny Report to full Council which is published each July.

- 5.5 The protocol has been reviewed and approved by the Corporate Management Board and Portfolio Holders with minor amendments incorporated.
- 5.6 Following the review and approval by Overview and Scrutiny Committee, the protocol will be taken to Finance Scrutiny Committee for noting.

## **6.0 Implications**

### **6.1 Financial**

- 6.1.1 The Shared Director of Finance comments that there are no direct financial implications arising from report. However, effective scrutiny supports the delivery of value for money, appropriate allocation of resources, and the financial sustainability of the Council.

### **6.2 Legal Issues (Head of Legal Shared Services)**

- 6.2.1 The Head of Legal Shared Services comments that the legal issues have been considered in detail in the protocol and this report.
- 6.2.2 Having regard to the responsibilities, duties and obligations of the Overview and Scrutiny Committee as set out in the Council's Constitution and legislation, there are no further legal issues.

### **6.3 Equalities, Human Rights and Data Protection**

- 6.3.1 Having had regard to the council's obligations under s149, it is considered that there are no equalities implications.
- 6.3.2 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.
- 6.3.3 There are no human rights implications.

### **6.4 Staffing**

- 6.4.1 No implications.

### **6.5 Accommodation**

- 6.5.1 No implications.

## **6.6 Community Safety/Crime and Disorder**

6.6.1 No implications. Overview and Scrutiny Committee fulfils its statutory requirement to undertake a review of the Community Safety Partnership each year.

## **6.7 Sustainability**

6.7.1 No implications.

## **Appendices**

Appendix 1 – Draft Executive/Scrutiny protocol

## **Background papers**

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

- Overview and scrutiny: statutory guidance for councils and combined authorities, May 2019.
- The Good Scrutiny Guide, Centre for Governance and Scrutiny, June 2019.
- Taking scrutiny seriously, Parity of esteem between scrutiny and the executive: a short guide for local government Cabinet members and senior officers, Centre for Governance and Scrutiny, January 2020