

Protocol On Relations Between Overview and Scrutiny and the Executive

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Recommendation: that the Overview and Scrutiny Management Committee and the Executive be asked to formally agree the protocol at Appendix "A" and request that Council at its meeting on 9 September 2008 adopt the protocol as part of the Council's constitution.

1. Background

Executive will recall that at its informal meeting with the Executive on 23 June 2008 a draft Protocol on relations between Overview and Scrutiny and the Executive was considered.

Comments from that meeting have now been incorporated into the protocol and it is being submitted to this meeting and the last OSC Management Committee. If both bodies agree with the protocol full council will be asked to formally adopt it at its 9 September meeting.

The aim of the protocol is not intended to change the respective constitutional positions, roles or responsibilities of either Overview and Scrutiny Committees or the Executive. It is rather to clarify relationships between the two and help ensure the smooth conduct of Overview and Scrutiny business and encourage effective communication between Overview and Scrutiny and the Executive.

2. CONCLUSION

Executive is invited to consider the protocol and confirm whether it is happy with the proposed wording.

List of Appendices

Appendix "A" – Protocol between the Executive and Overview and Scrutiny.

List of Background Documents:None

Protocol on Relations between Overview and Scrutiny and the Executive

General Principles, Values and Behaviours

Executive and Overview and Scrutiny functions should maintain high standards of public accountability and mutual respect. Relations between the Executive and Overview and Scrutiny should not be confrontational but a positive and constructive collaboration to secure improvements in Council and other public services for the borough and its people.

Overview and Scrutiny Members will work together with the Executive in a non-partisan environment and aim to adopt a non-adversarial but challenging approach to identify improvements.

In seeking agreement to this protocol, it is acknowledged that there are different rights and roles of both Overview and Scrutiny and Executive Members but that both are committed to developing an effective relationship. This will involve but not be limited to:

- Frequent and honest dialogue between Executive Members and Overview and Scrutiny Members, either individually or collectively,
- Regular discussions regarding Executive and Overview and Scrutiny work programmes/activities including establishing joint activities/projects where possible,
- Establishing effective and formal reporting structures, and
- Respecting the confidential nature of the discussions that may from time to time take place.

Attendance at each other's meetings and Civic Diary

The Civic Diary should be set so that meetings involving the Executive do not clash with scheduled Overview and Scrutiny meetings and vice versa.

Special meetings of the Executive or Overview and Scrutiny should avoid clashes with meetings already in the Civic Diary.

There should be a general presumption that Overview and Scrutiny Chairs (or their vice-chairs) can attend scheduled Executive meetings for items within their Committee's remit if they so wish.

The convention of having the Chair, or appropriate member if the Chair is not available, of the relevant Task and Finish Group presenting to the Executive any reports which their Group submits is confirmed.

There will be a similar presumption that Portfolio Holders will be asked to attend scheduled meetings of those Overview and Scrutiny committees for matters on the agenda of a meeting within their respective portfolio. The wider participation of Executive Members at Overview and Scrutiny Committees will assist the Committees by allowing Executive Members to inform the debate, to clarify matters of fact and to contribute to the scrutiny process as a whole.

Where a Portfolio Holder or the relevant Overview and Scrutiny member is unable to attend on a particular date he/she is requested to notify the Chair of the meeting as soon as possible in order to agree the most appropriate course of action.

Executive Members will normally be invited to attend any meeting of the Overview and Scrutiny Management Committee at which it is intended to consider a Call-In request in relation to his/her area of responsibility.

All Members should promote an atmosphere of openness at Overview and Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Overview and Scrutiny Committee Members, the Portfolio Holder and other participants.

Portfolio Holders can also attend and participate in informal or workshop sessions of Overview and Scrutiny Committees if invited to do so.

Responding to Overview and Scrutiny Subject Review Final Reports

These are mostly reports with recommendations that have resulted from the work of a Task and Finish Group who will have spent some time formulating their recommendations and considering witness evidence.

The relevant Task and Finish Group Chair will present the Final Report at an Executive meeting.

The Executive can expect a Task and Finish report that:

- Has clear, concise recommendations,
- Identifies potential areas for improvement with, where possible, a number of options for the Executive to consider, and
- Highlights the financial cost of the options and where possible, identifies potential sources of funding.

Prior to the meeting of the Executive at which the report will be considered, the Portfolio Holder concerned and the Chair of the relevant Task and Finish Group

should normally meet to discuss the detailed recommendations. The purpose of the meeting shall be to highlight and examine areas of potential agreement or disagreement in relation to the findings of the report.

The Executive's response to the report should be in writing dealing with each recommendation making it clear if it is accepted or not and what action will be taken within a maximum of two months.

For the time being this should continue to be through the Statement of Executive Decisions but will be reviewed once the relevant regulations from the Local Government and Public Health Act 2007 have been released.

This will enable the Overview and Scrutiny Committee to monitor implementation of the agreed response to their recommendations.

Responding to Overview and Scrutiny recommendations/resolutions

It is agreed that clarity in recommendations to the Executive and the Executive's response to them is vital. The onus is on the respective chair of both Overview and Scrutiny and Executive to keep this issue to the front of their minds when summarising and framing resolutions.

The attendance of Overview and Scrutiny Chairs at Executive and Portfolio Holders at Overview and Scrutiny meetings is particularly helpful in allowing clarification where needed.

Planning for Overview and Scrutiny Policy Development Role

Overview and Scrutiny Members recognises the Executive's role in taking operational decisions on Executive functions.

The Executive recognises Overview and Scrutiny Committee's role in policy development, and that good planning will facilitate this work being both effective and to follow best practise.

Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate.

The intention should be to programme such work at an early stage in the development of a policy. The use of Task and Finish Groups involving both Overview and Scrutiny members and the Portfolio Holder is recognised as a particularly useful vehicle for this work. Input from the Portfolio Holder and relevant Corporate Team member/Senior Officer would be especially useful at the start of a review in defining the process to be followed and at the end of the

review in providing background information that would help shape the recommendations.

The work of the Task and Finish Groups could include:

- Gathering key information to work out which factors should be considered in drawing up a policy at its initial stage with no conclusions being drawn,
- Reviewing the draft policy when it has been written to give a general “steer” as to whether further work is needed, and
- When the policy has been developed to test the policy against the background of the information that has been seen and the knowledge of the group of local circumstances.

Policy Briefings

When officers are providing briefings to the appropriate member(s) of the Executive on topics such as a Government consultation paper or a new piece of legislation, they should consider inviting the Chair of the appropriate scrutiny committee to the briefing in order to save time and effort. Where officers are providing briefings to Overview and Scrutiny members on topics within the work plans and site visits they should consider inviting the relevant Portfolio Holder.

Monitoring and Review of Protocol

The application of this protocol shall be monitored at each joint informal meeting between the Overview and Scrutiny Management Committee and the Executive and a structured review will be undertaken after it has been in use for a full Civic Year. At that time Corporate Team will also review the application of the protocol in so far as it relates to officers.