

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 26 AUGUST 2025



Title of Report	SCRUTINY/CABINET PROTOCOL	
Presented by	Councillor Nick Rushton Portfolio Holder for Infrastructure <div style="text-align: right;">PH Briefed <input checked="" type="checkbox"/></div>	
Background Papers	<u>Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities</u>	Public Report: Yes
		Key Decision: No
Financial Implications	There are no financial implications at this time.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	As it is intended to trial the protocol for six-months and keep under review during that time, there are no legal implications. Should the trial be successful, the protocol will be taken to Council for approval for it to form part of the Constitution.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no staffing or corporate implications at this time.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To agree to trial the protocol for a period of six-months and confirm Cabinet's commitment to its responsibilities under the protocol.	
Reason for Decision	To respond to Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities and promote a good working relationship between Scrutiny and the Executive. The protocol requires a commitment from Cabinet to perform its responsibilities under the protocol and therefore Cabinet is being asked to provide that commitment.	
Recommendations	THAT CABINET: 1. AGREES TO THE SCRUTINY/CABINET PROTOCOL BEING TRIALLED FOR SIX MONTHS. 2. AGREES THAT, SUBJECT TO A SUCCESSFUL TRIAL, THE PROTOCOL BE TAKEN FORWARD TO COUNCIL FOR APPROVAL TO FORM PART OF THE CONSTITUTION.	

1.0 BACKGROUND

- 1.1 In May 2019, the Ministry of Housing, Communities and Local Government published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities 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.”

- 1.2 In October 2020, following on from the Local Government Peer Review that was carried out in June 2019, a review of the Scrutiny function was carried out by the Centre for Governance and Scrutiny (CfGS) and some of the areas for improvement related to Cabinet member engagement. This included:

2. Suggestions for further improvement.

If the current approach is to be reinforced, Scrutiny’s constructive relationship with the executive will need to be strengthened, and Cabinet Members’ individual engagement with Scrutiny will need to involve greater transparency and challenge.

2.6 Public accountability and transparency of Cabinet could be brought into more focus at scrutiny committees.

Instead of Officers being subject of scrutiny, political decision-makers - Cabinet Members or the Leader (if appropriate) - should be the main focus of Scrutiny questioning and accountability sessions. Currently, officers are the main focus of Scrutiny.

- 1.3 Since 2023 the political make-up of the Council has changed and Council has agreed to opposition members chairing the Council’s two Scrutiny Committees. It is, therefore, timely to review the current arrangements to assess how the recommendations of the CfGS are working in practice.

2.0 SCRUTINY/CABINET PROTOCOL

- 2.1 In light of the above and the Statutory Guidance to promote a positive working relationship between Scrutiny and Cabinet, officers have prepared a draft Protocol, designed to assist Members of the Scrutiny Committees and the Cabinet by defining

the relationship between the executive and scrutiny functions and the role of Cabinet Members in the Scrutiny process.

- 2.2 The Scrutiny Work Programming Group considered the protocol at its last meeting and feedback from the group has been incorporated into the document.
- 2.3 The protocol can be found at Appendix A.
- 2.4 In relation to Cabinet, the Protocol requires a commitment from Cabinet Members to attend the relevant Scrutiny Committee where an item relating to their portfolio is being considered and to present their reports. Officers will continue to attend the meeting to support the Cabinet Members should any specific detailed operational information be requested by the Committee.
- 2.5 It is proposed that the Protocol will be trialled for six months from September 2025, during which time officers and the Scrutiny Work Programming Group will review how the protocol can be implemented to ensure effective working between Scrutiny Committees and the Cabinet.
- 2.6 Should the six-month trial be successful, a paper will be taken to Council to seek approval to adopt the protocol as part of the Council's Constitution. 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.

Policies and other considerations, as appropriate	
Council Priorities:	A well-run council
Policy Considerations:	The Council is required to have regard to the Statutory Guidance by virtue of section 9Q of the Local Government Act 2000
Safeguarding:	None at this time but reviewed during the six-month period.
Equalities/Diversity:	None at this time but reviewed during the six-month period.
Customer Impact:	None at this time but reviewed during the six-month period.
Economic and Social Impact:	None at this time but reviewed during the six-month period.
Environment, Climate Change and Zero Carbon:	None at this time but reviewed during the six-month period.
Consultation/Community/Tenant Engagement:	The Scrutiny Work Programming Group has been consulted on the protocol from its perspective and will review the effectiveness of the protocol over the six-month period.
Risks:	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.
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