

North West Leicestershire District Council

Cabinet/Scrutiny Protocol

Introduction

- 🔍 This Protocol applies to all Members of the Scrutiny Committees, any Member who may sit on a scrutiny panel and all Members of the Cabinet (comprising the Leader and the various Cabinet Members). It provides guidance on the way in which both types of Members interact to enable the Authority to carry out the Overview and Scrutiny function. The Protocol also outlines the framework and procedures underpinning the operation of scrutiny.



Objectives

- 🔍 The objectives of the protocol align to the main findings of the Review of Scrutiny 2019 with the Government guidelines:
 - 🔍 **Roles:** To enable Scrutiny Members, Officers and Cabinet Members to fully understand their powers, roles and responsibilities in relation to the Overview and Scrutiny function, role descriptions have been developed, so as to maximise their personal effectiveness.
 - 🔍 **Culture:** To establish a positive framework and the necessary procedures to enable scrutiny to work effectively and to create a culture for change.
 - 🔍 **Executive Scrutiny Relationship:** To 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.
 - 🔍 **Holding to Account:** To create a culture of holding the Cabinet to Account on behalf of the electorate, by monitoring the effectiveness of the Council's policies and through the regular review of its performance in relation to service delivery.
 - 🔍 **Training and Development:** To work in conjunction with the Member Development Programme scheme to develop the skills and knowledge of components of the scrutiny process.

Understanding the roles - The Councils Constitution




Scrutiny Role

That Scrutiny Committees, within their terms of reference, as set out in Part 2 of the Council's Constitution will undertake:

-  The development and review of policies for a wide range of subjects and services; and
-  The critical examination of the Council's performance and effectiveness of its decisions.





Responsibility for functions

That Scrutiny Committees, will operate within the Scrutiny Procedure Rules, as set out in Part 3 of the Council's Constitution to:

-  have a key role in budget and policy development. The Budget and Policy Framework Procedure Rules in Part 3 contains details of the process by which the Scrutiny Committees may perform that role.
-  consider any matter referred to the Committee for a decision in relation to Call-in of a decision;
-  deal with any Petitions to hold an Officer to account received under the Council's adopted Petition scheme.

The areas of responsibilities of scrutiny committees are set out in Part 2 of the constitution.




Scrutiny Arrangements

-  A scrutiny body is one appointed to discharge the functions conferred by Section 21 (Overview and Scrutiny Committees) of the Local Government Act 2000 and any regulations made under that Section.
-  The Council will establish the Scrutiny Committees set out in Part 2 of the Constitution and will appoint to them as it considers appropriate, subject to political proportionality at Annual Council each year.
-  All Councillors, except members of the Cabinet and Audit & Governance Committee may be members of a scrutiny committee.
-  Chairs and Vice- Chairs are appointed at Annual Council each year.

Executive Role

The Cabinet will carry out the Council's Executive Functions. Functions that are not stated in the Local Authorities (Functions and Responsibilities) Regulations 2000 or in other legislation to be Non-Executive Functions are, by default, Executive Functions.

Part 3 of The Local Authorities (Functions and Responsibilities) Regulations 2000, as amended gives effect to Section 13 of the Local Government Act 2000, specifying local authority functions which are:

-  Non- Executive, meaning scrutiny roles cannot be undertaken by or be the responsibility of the executive.
-  Executive or Non- Executive by local choice, those which the council can choose to be the responsibility of the executive if they so wish.
-  To some extent, the responsibility of the executive.

Cabinet Procedure rules, as set out in Part 3 of the Constitution

The arrangements for the discharge of executive functions will be set out in the executive arrangements and announced by the Leader at Annual Council.

Culture - General Principles, Values and Behaviours

That Scrutiny and Cabinet will agree to operate in line with the below values and behaviours, as set out in Part 4 of the Council's constitution: The Code of Conduct.

In accordance with the public trust placed in you, you should:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking your role you should:

- impartially exercise your responsibilities in the interests of the local community
- do not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence;
- ensure that public resources are used prudently in accordance with your Council's requirements and in the public interest; and
- uphold high standards of conduct, show leadership at all times and not misuse your position when acting as a Councillor.

Relationship between Cabinet and Scrutiny

- 🔍 Executive and Scrutiny functions should maintain high standards of public accountability and mutual respect.
- 🔍 Relations between the Cabinet 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.
- 🔍 Scrutiny Members will work together with the Cabinet in a impartial 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 Scrutiny and Cabinet Members but that both are committed to developing an effective relationship. This will involve but not be limited to:

- 🔍 Frequent and honest dialogue between Cabinet Members and Scrutiny Members, either individually or collectively.
- 🔍 Regular discussions regarding Cabinet and Scrutiny work programmes/activities.
- 🔍 Establishing effective and formal reporting structures.
- 🔍 Respecting the confidential nature of the discussions that may from time to time take place.

Holding the Cabinet to Account

- 🔍 One of the underpinning principles of Scrutiny is the ability of non-Cabinet Members to hold the Cabinet to account. A key method of ensuring accountability is through critically and routinely considering the performance and decisions taken by the Cabinet or may question decisions which the Cabinet is proposing to take, as set out in the Forward Plan.
- 🔍 The Cabinet will be required to consider any recommendations or views expressed by the Scrutiny Panel relating to the development of the Council's budget or policy framework.

Training and Development

- 🔍 Cabinet and Scrutiny Members will engage in the Member Development Programme.

What	Scrutiny	Cabinet
<p>Cabinet and Scrutiny's Critical Friend relationship</p>	<p>Develop a constructive 'critical friend' relationship with officers and Cabinet members</p> <p>Attend meetings (individually or collectively), to be briefed on all matters affecting the relevant service(s).</p>	<p>Cabinet Members will work with Scrutiny Chairs to develop a critical friend relationship</p> <p>Cabinet Members will be invited to attend committee meetings to present reports relating to their Portfolio and during the debate respond to questions raised by the committee with the support of officers on technical matters</p> <p>Cabinet Members will attend and receive briefings on all matters affecting the relevant service(s), confidential items and the forward plan.</p> <p>Cabinet Members will be invited to and expected to attend any meeting when a matter is called in that falls in their portfolio.</p>
<p>Hold to account</p>	<p>Hold the Cabinet to account for decisions, performance, risk management and budget management. Invite the executive member and relevant</p> <p>Chief Officers to attend call-in meetings. Scrutiny Members should be prepared to ask searching questions of Cabinet Members.</p>	<p>Cabinet Members will be invited to and expected to attend any meeting when a matter is called in that falls in their portfolio.</p> <p>Attend call-in meetings with-in the rules outlined in the constitution</p> <p>Executive Members should respond to questions in as much detail as is possible to inform the scrutiny process. The response could be orally at the meeting, or by</p>

		reference to a published report, or by requesting officers to provide detail, or in writing following the meeting, if the information is not readily available.
Attendance at meetings	The attendance of Overview and Scrutiny Chairs at Cabinet meetings is particularly helpful in allowing clarification where needed	Attendance by Executive Members invited to Scrutiny Committees (including 'Call-In' meetings)
Work programme	<p>Consult with the relevant senior Officers, executive member and take into account the views of the public and of partner agencies</p> <p>Scrutinise relevant issues relating to service delivery, policy and decisions taken by the Cabinet and other decision makers.</p> <p>Consider reports and make recommendations to inform and advise the Cabinet or Council or other decision-making bodies on improvements to policies and service delivery.</p> <p>Planning for Overview and Scrutiny items</p>	<p>Share the forward plan with Scrutiny</p> <p>Consult with scrutiny to ensure the clarity of topics being scrutinised and to avoid potential duplication</p> <p>The Cabinet will invite Scrutiny to look at specific issues to add value to the work of the Council</p>

	<p>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</p> <p>Undertake activities or joint work when possible on the same issue</p> <p>The purpose of Scrutiny is to add value to the work of the Council</p>	
Reporting and recommendations	<p>Present findings of scrutiny work to the Cabinet and to Council as required.</p> <p>The Scrutiny recommendations to the Cabinet and the Cabinet's response to them is vital. The onus is on the respective chair of both Scrutiny and Executive to keep this issue to the front of their minds when summarising and framing resolutions.</p> <p>Scrutiny Committees, reviews or task and finish groups will have spent time considering witness evidence and formulating their recommendations to the Cabinet.</p>	<p>The Cabinet will invite Scrutiny Chairs to present the findings of scrutiny work at Cabinet meetings</p> <p>Responding to Scrutiny Recommendations: The Cabinet'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 an agreed timeframe.</p>

Monitoring outputs	The Scrutiny Committees will monitor implementation of the agreed response to their recommendations.	
Development and training	<p>Make adequate and appropriate preparation for meetings, read relevant papers and reports and attend meetings with the Cabinet Member, Director and officers as appropriate.</p> <p>Policy Briefings: Attend briefings on topics such as a Government consultation paper or a new piece of legislation</p>	Where officers are providing briefings to Scrutiny members on topics, such as a Government consultation paper or a new piece of legislation within the work programme and site visits they should consider inviting the relevant Portfolio Holder.
Be the public voice	Enable the public to engage in the work of the Council by holding public meetings to inquire into matters of local concern.	
Roles	Scrutiny Members recognise the Cabinet's role in taking operational decisions on Executive functions.	The Executive recognises the Scrutiny Committees' role in budget and policy development being critical friend and challenging decisions.

