

# **Cabinet – Scrutiny Protocol**

## **1 Introduction**

- 1.1. This protocol sets out the relationship between the Council's Cabinet and its Scrutiny Committee. This includes the processes that both bodies follow, where they will interact with each other, and how they expect the other to conduct itself. The Protocol is in addition to requirements set out in the Council's Code of Conduct and the Officer/Councillor Protocol.
- 1.2. The Monitoring Officer will be responsible for overseeing compliance with this Protocol.

## **2 Aims**

- 2.1. To create a framework which enables effective scrutiny.
- 2.2. To empower the Committee's members, Portfolio Holders and Officers by setting out their roles, powers and responsibilities in relation to scrutiny.
- 2.3. To promote mutual respect between all three groups to ensure openness which will enable the Committee to work effectively.
- 2.4. To enable the Committee to act as a 'critical friend' to the Cabinet which provides constructive, non-partisan scrutiny of upcoming Cabinet decisions and corporate objectives.
- 2.5. To enable the Committee to effectively scrutinise third parties and to engage with relevant stakeholders.
- 2.6. To help align the Committee's work with the Council's Corporate Priorities.

## **3 Meeting Conduct**

- 3.1. All Councillors will abide by the requirements set out in the Council's Code of Conduct and look to promote an atmosphere of openness and mutual respect.
- 3.2. Committee members should look to ask searching questions and offer constructive comments to help fulfil the Committee's role of being a 'critical friend.' In most cases, an initial set of questions will be sent to the Cabinet member.

- 3.3. Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- 3.4. Both the Committee and Cabinet members will respect the requirement for Cabinet members to avoid scrutinising their own decisions.
- 3.5. The Chair will always look to ensure that all attendees at the meeting are treated fairly and courteously.
- 3.6. The Chair, with the advice of Officers, will ensure that meetings are run in accordance with any requirements set out in the Constitution, and in line with any procedure agreed by the Committee.

#### **4 The Scrutiny Committee Work Plan**

##### **4.1. Before the First Meeting of the Council Year**

- a) Committee Members will submit any suggestions for items 28 days before the first meeting using the Review Submission Form. All the forms will be circulated to the Committee members the following day. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member.
- b) The review topics will be considered at the next SMB meeting, who will put together a draft Work Plan. This will be based on the review criteria set out in the review submission forms.
- c) Where SMB feel reviews can be improved by tightening the scope, or altering the format of the review it will discuss these with the Chair. This will be explained to the Committee. A Work Plan will also be developed in the context of these suggested alterations.
- d) Fourteen days before the meeting, Officers will meet with the Chair and Vice Chair to discuss the Work Plan. Any further changes to the proposed Work Plan will be made prior to the agenda's publication.

##### **4.2. At the First Meeting of the Year**

- a) Steps a-c of the Pre-Scrutiny of Cabinet Matters procedure (point 5.1 of this Protocol) will be followed.

- b) The Committee will agree its priorities for reviews carried out during the council year.
- c) The Committee will consider its Work Plan for the council year, with reference to the information obtained as part of point 4.1 above and in light of its priorities.

#### 4.3. Additions/Changes to the Work Plan

- a) Committee Members can submit additional items throughout the year. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member. New items will be submitted to Corporate and Governance Support prior to the publication of the agenda. The relevant Head of Service will be consulted on the timescale of the review and possible changes to its scope. This information will be reported to the Committee who will then consider whether the review will be progressed further.
- b) The Committee will consider its Work Plan at each meeting.

### **5 Participation of Portfolio Holders and the Leader**

#### 5.1. Pre-Decision Scrutiny of Cabinet Matters

- a) At the first meeting of the Council year the Leader will give an overview of the reports which will be considered by Cabinet over the year. They will set out the Cabinet's priorities. This will be accompanied by the Cabinet Forward Plan and the Council's Corporate Plan.
- b) The Committee will consider which reports it would like to have pre-decision scrutiny of. These will be programmed into the Committee's work plan. The Committee will consider whether the matter will be considered at other meetings of the Council (such as the Audit and Standards Committee, or Housing Standards Board) and whether the Committee feels it can add value through pre-decision scrutiny.
- c) The Committee will develop lines of inquiry in respect of each identified item and establish S.M.A.R.T (specific, measurable, achievable, relevant and timely) objectives.
- d) The relevant Portfolio Holder and Head of Service will be made aware that the item will be subject to pre-decision scrutiny and the lines of inquiry.

- e) A report to the Committee will be prepared by Officers, in consultation with the relevant Cabinet member. This report will provide an update on progress of the item, address the lines of inquiry and, if appropriate, suggest other areas the Committee may wish to question.
- f) The Portfolio Holder will attend the meeting to present the report and answer questions from the Committee. The Head of Service will primarily answer technical questions.
- g) The Committee will consider areas that the Cabinet report will need to address and where the piece of work can be strengthened. These points will be addressed as part of the Cabinet report. It is expected that these will have arisen from the initially agreed lines of inquiry. Where the Committee's recommendations deviate from its initial lines of enquiry, it will monitor this as part of its outcome monitoring process.
- h) Cabinet will consider the report and the outcome will be referred back to the Committee for information. This will form part of an outcome monitoring report which will become a standard item on the Committee agenda.
- i) Following the first meeting of the Committee, Committee members can submit a request to pre-scrutinise a report. The request will be considered at the next meeting. Steps b-h above will then be followed.

## 5.2. Call In Sub Committee

- a) As set out in the Scrutiny Procedure Rules it is the duty of the Leader or relevant Portfolio Holder to attend a meeting of the Call In Sub Committee.
- b) The role of the Cabinet member will be to answer questions of fact. They should be mindful not to involve themselves in the debate and the Committee should not encourage them to do so. The Scrutiny Procedure Rules set out a requirement for Councillors to not be involved in scrutinising a decision they have been involved in and this must be respected.

## 5.3. Scrutiny Committee Reviews

- a) The Committee will consider the need for the relevant Cabinet member to attend. The Committee will provide sufficient notice and will provide a set of initial questions.
- b) Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- c) Where a Cabinet member has been invited to attend, it is expected that Officers will only answer technical questions.

#### 5.4. Non attendance of Cabinet members

- a) The Committee will provide sufficient notice (as set out in the Scrutiny Procedure Rules) to Cabinet members so that they can attend.
- b) Except for attendance at the Call In sub Committee (where paragraph 13 of the Scrutiny Procedure Rules will apply) in instances where the relevant Portfolio Holder cannot attend, the Leader will attend. Where neither can attend the relevant Head of Service will attend.

## **6 Participation of Other Organisations**

### 6.1. The Meeting before

- a) The Committee will agree its goals for the meeting. These will align with the S.M.A.R.T objectives agreed as part of the scoping process.
- b) Based upon these goals, the Committee will agree a list of initial questions.
- c) The Committee will agree on a format for the item to be considered at the next meeting. They may also consider whether the relevant Cabinet member will be invited to attend.

### 6.2. Before the meeting

- a) The Committee will provide organisations with advance notice of its initial questions.

### 6.3. At the meeting

- a) The meeting will follow the format agreed as part of paragraph 6.1(c) above.
- b) The Committee may ask follow up questions. These will be linked to the aims of the meeting.
- c) The Committee will consider whether it has achieved its goals for the meeting and will decide on a course of action, including the setting of S.M.A.R.T recommendations if appropriate.

## **7 Recommendations**

7.1. As set out in the Constitution any referrals to the Cabinet will be considered at its next meeting.

7.2. Cabinet's decision will be noted at the next meeting of the Scrutiny Committee. Where the Cabinet has not accepted the recommendation of the Committee, the Leader or relevant Portfolio Holder/s will provide a written explanation to the Committee setting out why Cabinet has not accepted the recommendations.

## **8 Outcome Monitoring**

8.1. Final recommendations will be S.M.A.R.T so they can be effectively tracked and monitored. The Committee will consider how closely the recommendations align with the S.M.A.R.T objectives set as part of the scoping of the review.

8.2. The Committee will track reviews and choose an appropriate time to explore whether the S.M.A.R.T objectives and recommendations have been met.