



DRAFT Effective Scrutiny – A Protocol

1 The Constitutional Basis

- 1.1 The City Council adopted, on 22 May 2018, a revised constitution which made changes to Cabinet portfolios and increased the number of Overview and Scrutiny Committees from five to eight with the re-introduction of the Co-ordinating O&S Committee to plan and co-ordinate all scrutiny work.
- 1.2 Experience of operating these new arrangements over the past two years suggests that a small number of adjustments to operational procedures, set out in this protocol, should make the relationship between Executive and Scrutiny roles more consistent and yet more effective.
- 1.3 Nothing in the protocol diminishes the rights of O&S Committees to decide their work programmes, to challenge Executive decisions and hold the Executive to account, or to request and receive timely information; nor to reduce the Executive's ability to carry out its functions unfettered.

2 Accountability

- 2.1 O&S Committees are the prime forums at which Councillors can hold Members of the Executive to account. This is especially important given the changes to the way meetings of the full Council are now organised with Cabinet members no longer required to produce a report once a year to all elected members.
- 2.2 In order to overcome the perception that the Cabinet Members are not being held to account by full Council, Scrutiny must assume a greater investigative role in performing this important function. Therefore each Cabinet Member will appear before the relevant O&S Committee four times a year to answer questions arising from a written report from the Cabinet Member, provided to the Committee in advance, so that it can be circulated to all members.
- 2.3 O&S Committees have cross-cutting portfolios, and therefore any individual Cabinet Member may need to give account to more than one O&S Committee. In such cases, the four appearances would be shared between the O&S Committees. No Cabinet Member should be expected to give account more than four times a year, unless they specifically wish to.
- 2.4 The programme of accountability sessions will be decided and published in advance, and in future at the beginning of the municipal year. It will be drawn up in consultation with Cabinet Members and O&S Chairs. Where agreement cannot be reached, it will be settled by the Head of Scrutiny Services in consultation with the Chair of the Co-ordinating O&S Committee.



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- 2.5 At these sessions, O&S Chairs will encourage their Committee Members to question, as appropriate, Cabinet Members, Chief Officers and senior managers about policy issues.

3 Scrutiny Inquiries

- 3.1 Cabinet Members may suggest topics for Scrutiny Inquiries, contacting the relevant O&S Chair through either Group or City Council processes. Cabinet Members should use Scrutiny as a way of opening up debate about key policy issues. This role is particularly important as the City Council considers withdrawing from providing services in key areas. Scrutiny can be used to test councillor reaction and public opinion on controversial issues.
- 3.2 In order to further encourage this, Scrutiny Chairs and Cabinet Members met in April 2014, and agreed that joint meetings of all Cabinet Members and Overview & Scrutiny Chairs should be held three times each municipal year. This may include:
- June/July: to discuss the Leader's Policy Statement priorities and how these could be supported by the O&S work programme;
 - Oct/Nov: to refine the work programme and influence the Business Plan;
 - Mar/Apr: to review progress and the position after agreement of the Business Plan and Budget.
- 3.3 In addition, O&S Chairs and officers from both Cabinet Office and Scrutiny Office may, from time to time, pick up other issues and prepare potential list of topics for discussion
- 3.4 In line with previous practice, no inquiry will commence until the O&S Committee has agreed terms of reference; and these have also been agreed by the Chair of the Co-ordinating O&S Committee, whose constitutional duty it is to ensure that the work is properly planned and co-ordinated.
- 3.5 Through the terms of reference, the O&S Chair will identify which Cabinet portfolios are relevant to the inquiry. Terms of reference will be shared with Cabinet Members, through liaison between the Scrutiny Office and the Cabinet Office.
- 3.6 Relevant Cabinet Members will be invited to submit written evidence to an early session of every Inquiry. The O&S Committee will then quickly decide whether to summon the Cabinet Member and/or Chief Officers and senior managers to give evidence, providing as much notice as possible. These appearances would be in addition to each Cabinet Member's four "accountability" sessions (as in 2.2), with O&S Chairs encouraging their Committee Members to question, as appropriate, Cabinet Members, Chief Officers and senior managers on the evidence presented.
- 3.7 The existing "eight day rule" will continue to apply to the production of inquiry reports.



4 Decisions

- 4.1 Some, but by no means all, decision reports are being shared at a late draft stage with O&S Chairs. It is useful to keep O&S Chairs up to date in this way because they can then adjust scrutiny work programmes accordingly; and let Cabinet Members know of any relevant considerations expressed in the O&S Committee.
- 4.2 Therefore, all Cabinet reports will be shared with the relevant O&S Chair during the week before they are published. The process will be facilitated by Democratic Services officers. This is expressly not a way of seeking an O&S Chair's prior agreement to a proposed decision, which would compromise the call in process. But, given the cross-cutting nature of the Scrutiny portfolios, this discussion may lead to an amendment to the "relevant O&S Chair" named in the report.

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