



OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Committee Report

Public

Date of Meeting: 5th July 2007

Title: PROTOCOL ON RELATIONS BETWEEN OVERVIEW AND
SCRUTINY AND THE EXECUTIVE

Report of: Head of Scrutiny and Emergency Planning Services

Report reference: OS07/07

Report: As Members will recall a key action of the Overview and Scrutiny Improvement Plan was the development of a Protocol on Relations between Overview and Scrutiny and The Executive.

A Task and Finish Group was established consisting of the Chairman and Vice-chairman of Overview and Scrutiny Management Committee and the Leader and Deputy Leader of the Council. It was chaired by the Chief Executive and supported and advised, particularly in relation to best practise, by the Overview and Scrutiny Support staff.

The group met on four occasions between September 2006 and May 2007 and developed the attached protocol which they recommend is agreed by O&S Management Committee and the Executive.

Recommendation: That the protocol is agreed.

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None



Protocol on Relations between Overview and Scrutiny and the Executive

Report Reference: OS 03/07

June 2007

Overview and Scrutiny Improvement Plan

Protocol on Relations between Overview and Scrutiny and the Executive

1. Context

Recommendation 15 of Dr Stephanie Snape's Report and of the O&S Improvement Plan reads as follows:-

'A Protocol to be developed to guide the relationship between the Executive and O&S. (The process of development of a Protocol is as valuable, if not more valuable than, the written document itself).'

This 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 O&S business and effective communication between O&S and the Executive. The independence of O&S and the good working practises adopted, and being further developed, under the agreed O&S Improvement Plan are fully recognised and respected.

2. Development of Protocol

Overview and Scrutiny Management Committee and the Executive agreed that a Task and Finish Group should be established to develop the required protocol.

This Task and Finish Group consisted of the Chairman and Vice-chairman of Overview and Scrutiny Management Committee and the Leader and Deputy Leader of the Council, it was chaired by the Chief Executive and supported and advised, particularly in relation to best practise, by the Overview and Scrutiny Support staff.

The group met on four occasions between September 2006 and May 2007.

Using their own experiences, and having analysed the various recommendations in the O&S Improvement Plan, the group agreed that the following aspects of the relationship should be covered by this protocol: -

- Attendance at each others' meetings and Civic Diary
- Forward Plan
- Speaking at respective meetings
- Holding Portfolio Holders to account
- Responding to O&S Subject Review Final Reports
- Responding to O&S recommendations/resolutions
- Planning for O&S Policy Development Role

This protocol draws together the Task & Finish Group's findings and deals with each of these topics in turn.

3. Attendance at each other's meetings and Civic Diary

The Civic Diary should be set so that meetings involving the Executive (including Joint Management Team and Executive Briefings) do not clash with scheduled O&S meetings. Special meetings of Executive or Overview and Scrutiny should avoid clashes with meetings already in the Civic Diary.

There should be a general presumption that O&S Chairmen (or their vice-chairman) will attend scheduled Executive meetings unless it would be unreasonable to do so, particularly when resolutions from their meetings are to be considered.

There should be a general presumption that Portfolio Holders will attend scheduled meetings of those O&S committees that cover their portfolio unless it would be unreasonable to do so.

There should also be a general assumption that Portfolio Holders will keep their diaries free so that they are able to accept an invitation to attend a particular scheduled O&S meeting.

The above general assumptions on diary management will not apply to special meetings or if a conflicting diary commitment results from a clashing meeting of a partnership body on which a Member represents the Council.

Where a special meeting of an O&S Committee is arranged, other than during a scheduled formal meeting, and the committee require attendance by a particular Portfolio Holder, there should be consultation with that Portfolio Holder over the proposed date of such meeting. This consultation to be the relevant chairman's responsibility (although it can be undertaken by an officer at his/her request).

Portfolio Holders will not be expected to attend or participate in informal or workshop sessions of O&S Committees unless specifically invited to do so.

4. Forward Plan

The Leader's Forward Plan aims to be a meaningful public document that defines the key proposals and developments that are taking place in the authority over the next 4 months and specifies if and how O&S will be involved. It is, therefore, an important tool for managing O&S Work Programmes and ensuring appropriate decisions are scrutinised in a timely manner, however, its usefulness depends on the quality of planning that goes into its preparation. Senior Management Team, with input from the Head of Scrutiny and Emergency Planning Services, will review the operation of the Forward Plan. Senior Management Team and Joint Management Team will each have standing items on their agendas to identify items for inclusion, to quality control the individual entries and to monitor the Forward Plan with a particular emphasis on scrutiny aspects.

5. Speaking at respective meetings

O&S Chairmen and Executive Members attending each other's meetings are principally there to answer questions and should avoid seeking to make general input.

All contributions should, of course, be made through the chairman.

O&S Chairmen are at Executive to support the recommendations of their respective committees, if in responding to a question they express a personal view, rather than one, which their committee specifically addressed, then this should be made clear.

Portfolio Holders in addition to responding to O&S committee's questions should be listening to their views, advice and comments in order to take these into account when discharging their Executive functions.

Portfolio Holders should avoid seeking to persuade O&S committees or their individual Members to follow a particular course of action.

6. Holding Portfolio Holders to account

The Call-in procedure is one way of holding the Executive to account, there are, however, other opportunities which should be pursued.

If a decision is called-in by more than one O&S Committee a joint session will be held to question Portfolio Holder(s), officers and any external contributors. This to be followed by each committee separately determining its decision on the call-in.

The existing process and pro-forma for instituting a call-in are re-affirmed.

O&S Committees should actively pursue opportunities to hold Portfolio Holders to account within the regular business of O&S Committees including those set out below.

O&S committees should question Portfolio Holders when they are scrutinizing policy decisions.

Portfolio Holders should, for example, also answer questions in relation to poor performing P.I.'s and services, and on achievement of Corporate Plan objectives and targets.

O&S Committee Members should be clear to differentiate when asking questions so as to address appropriate questions to Portfolio Holders and others to officers. It is, therefore,

important that both relevant Portfolio Holders and appropriate officers are in attendance when matters of policy and performance are under scrutiny.

In relation to budget scrutiny, service Portfolio Holders should take questions on service implications at meetings of Community and Infrastructure O&S Committees. The Finance and Performance Management Portfolio Holder and the Leader should take questions on budget policy and the Executive Budget Proposal at Corporate Resources O&S Committee.

7. Responding to O&S Subject Review Final Reports

Whilst there are relatively few such reports it is recognized that they form the core of the O&S committees in-depth work and are important pieces of work.

The relevant O&S Chairman will present the Final Report at an Executive meeting.

The Executive's response should be formal, proportionate and considered. It should deal with each and every recommendation making it clear if it is accepted or not and what action will be taken. To this end the Executive should be allowed time to consider and formulate its response but should do so within a maximum of 12 weeks of the report being presented to them.

To assist in this process a pro-forma detailing each recommendation, the Executive response, and identifying a lead officer and time-scale will be used (a copy is appended to this protocol). This completed pro-forma should be sufficiently detailed to act as an Action Plan against which the O&S Committee can monitor implementation of the agreed response to their recommendations.

8. Responding to O&S recommendations/resolutions

It is agreed that clarity in both resolutions addressed to Executive and the Executives response to them is vital. The onus is on the respective chairmen of both O&S and Executive to keep this issue to the front of their minds when summarising and framing resolutions.

The recently agreed Guidance for Chairman of O&S Committees includes appropriate advice and both O&S Support staff and Committee Administration staff will continue to assist in seeking maximum clarity. The attendance of O&S Chairmen at Executive and Portfolio Holders at O&S meetings is particularly helpful in allowing clarification where needed.

9. Planning for O&S Policy Development Role

The Executive recognise O&S Committee's constitutional role in policy development, and that good planning will facilitate this work being both effective and to follow best practise.

Individual Portfolio Holders will meet informally with appropriate O&S Chairmen and O&S Support staff periodically to identify and plan for O&S involvement in policy development work. The intention being to programme such work to take place at an early stage in the development of a policy to enable O&S to do such effective, evidence based and timely work in an informal manner. The use of Task and Finish Groups is recognised as a particularly useful vehicle for this work.

10. Monitoring and Review of Protocol

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

John Mallinson

Head of Scrutiny and Emergency Planning Services

June 2007

Appendix

Pro-forma for Executive Response to O&S Subject Review Final Report

O&S Committee:-

Review :-

Portfolio Holder(s):-

Date:-

Recommendation	Executive Response	Lead/Responsible Officer	Implementation Date
1.			
2.			
3.			
4.			
5.			