

	REPORT TO CABINET TO BE HELD ON 16 OCTOBER 2018	
	Key Decision	NO
Corporate Aims Council	Forward Plan Ref No	N/A
	Cabinet Portfolio Holder	Cllr Sandra Turner, Portfolio Holder for Communities

REPORT OF: Director (LD) – 18/225

WARDS AFFECTED: All

**SUBJECT: PROTOCOL ON EXECUTIVE/ OVERVIEW AND
SCRUTINY RELATIONS**

RECOMMENDATION (S):

That the new Protocol on Executive/ Overview and Scrutiny Relations be noted.

REASON FOR RECOMMENDATION (S):

To clarify the relationship between the Executive and Overview and Scrutiny, help ensure the smooth conduct of Overview and Scrutiny business and encourage effective communication between these two arms of the Council.

HIGHLIGHTED RISKS:

See Risk Matrix.

1. INTRODUCTION

1.1 The Council's Executive (Cabinet) is responsible for the delivery of all strategic executive functions within the Council's Policy and Budget Framework and therefore for taking operational decisions on these functions. Effective overview and scrutiny as discharged by the Council's Overview and Scrutiny Board is essential to enhance the accountability and transparency of the decision-making process by holding the Cabinet to account for its actions and advising on the development and implementation of new policy and corporate projects. For both arms of the Council to function effectively, they

need to work well together. The appended Protocol seeks to provide clarity on the different aspects of that working relationship.

2. CORPORATE AIMS

- 2.1 The new Protocol supports the Corporate Aim 'to be an efficient and effective council which is financially sustainable for the future.'

3. BACKGROUND AND ISSUES

- 3.1 In September 2017, the Overview and Scrutiny Board commissioned a review in respect of the fishing sector at Scarborough Harbour so as to obtain a clear understanding of the current activity and resources of the fishing industry and of its future requirements for the duration of the newly adopted Strategic Business Plan, and of the harbour resources needed to support these requirements.
- 3.2 Following endorsement by the Overview and Scrutiny Board, the report was presented to the Cabinet on 15 May 2018. At this meeting, the Cabinet Member for Major Projects (whose portfolio includes harbours) Councillor Cockerill expressed his disappointment that he had not been consulted during the preparation of the Task Group's report, and that whilst not necessarily disagreeing with the main thrust of the report, he recommended that the Cabinet receive the report and look forward to similar documents relating to the other aspects of Scarborough Harbour to allow a holistic review to take place and that this be undertaken in consultation with relevant Portfolio Holders. The Leader of the Council and Chairman of the Cabinet, Councillor Derek Bastiman thanked the Task Group for their efforts, but regarded the report as preparatory to a larger and more holistic review in support of a masterplan for Scarborough Harbour.
- 3.3 Some non-executive Members, including the Chair of the Task Group Councillor Vesey, called in the Cabinet's response for further scrutiny maintaining that the Cabinet had misunderstood the respective roles of the Cabinet and the Overview and Scrutiny Board and the latter's role in assisting in the delivery of key elements of the Strategic Business Plan.
- 3.4 As a consequence of the call-in, the Cabinet decided not to amend its response to the Task Group's report, but did accept the Overview and Scrutiny Board's recommendations that 'an executive/scrutiny protocol be developed to provide clarity on the working relationship between both arms of the Council including in relation to scrutiny reviews, and the next phase of the Harbours' reviews be agreed in order to further the Strategic Business Plan for Scarborough Harbour.'

4. CONSULTATION

- 4.1 Prior to formal consideration by the Overview and Scrutiny Board on 12 September 2018, the draft Protocol was discussed with the Leader of the

Council, the Cabinet, and the Chair and Vice-Chair of the Overview and Scrutiny Board, who all gave it their approval, subject to minor amendments.

- 4.2 At the meeting on 12 September, the Overview and Scrutiny Board welcomed the final version of the Protocol (see Appendix) and referred it to the Cabinet for formal consideration.

5. ASSESSMENT

- 5.1 The Protocol appended to this report seeks to provide clarity on the working relationship between the Executive and Overview and Scrutiny as requested, encouraging regular communication between both arms of the Council, whilst respecting their distinct rights, roles and responsibilities.

6. IMPLICATIONS

- 6.1 **Policy, Legal, Financial, Equalities and Diversity, Staffing, Planning, Crime and Disorder, Health and Safety, and Environmental implications**

“I have considered whether the following implications arise from this report and am satisfied that there is no identified implication that will arise from this decision”

Communications – these proposals, largely for the benefit of Members of the Council, are being publicised through this report and via the Council’s Overview and Scrutiny webpage.

7. ACTION PLAN

7.1

September 2018	O&S Board notes new Protocol on Executive / O&S relations
October 2018	Cabinet notes new Protocol on Executive / O&S relations
October 2018	New Protocol is added to the scrutiny guidance considered by the O&S Board in June 2016 and is posted on the Council’s website



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Background Papers:
None.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	16 October 2018	Uncertainty about the respective rights and roles of the Cabinet and the Overview and Scrutiny.	Undermine their important working relationship, waste councillor and staff resources, and diminish O&S' effectiveness	New Protocol	C3	B2	St John Harris	Adopt Protocol

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster