

SCARBOROUGH BOROUGH COUNCIL

PROTOCOL ON EXECUTIVE/OVERVIEW AND SCRUTINY RELATIONS

The aim of the protocol is not intended to change the respective constitutional positions, roles or responsibilities of either the Overview and Scrutiny Board or the Executive. It is rather to clarify relationships between the two and help ensure the smooth conduct of Overview and Scrutiny business and encourage effective communication between Overview and Scrutiny and the Executive.

General principles, values and behaviours

Executive and Overview and Scrutiny functions should maintain high standards of public accountability and mutual respect. Relations between the Executive and Overview 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.

Overview and Scrutiny Members will work together with the Executive in a nonpartisan 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 Overview and Scrutiny and Executive Members but that both are committed to developing an effective relationship. This will involve but not be limited to:

- Frequent and honest dialogue between Executive Members and Overview and Scrutiny Members, either individually or collectively
- Regular discussions regarding Executive and Overview and Scrutiny work
- Opportunities for O&S involvement in pre-decision scrutiny and policy development and review
- Establishing effective and formal reporting structures, and
- Respecting the confidential nature of the discussions that may from time to time take place.

Attendance at each other's meetings

The convention of having the Chair, or appropriate member if the Chair is not available, of the relevant Task Group presenting to the Executive any reports which their Group submits is confirmed.

There will be a similar presumption that Portfolio Holders will be asked to attend scheduled meetings of the Overview and Scrutiny Board for matters on the agenda of a meeting within their respective portfolio. The wider participation of Executive Members as witnesses at the Overview and Scrutiny Board will assist the Board by allowing Executive Members to inform the debate, to clarify matters of fact and to contribute to the scrutiny process as a whole.

Executive Members will normally be invited to attend any meeting of the Overview and Scrutiny Board at which it is intended to consider a Call-In request in relation to his/her area of responsibility.

All Members should promote an atmosphere of openness at Overview and Scrutiny Board meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Overview and Scrutiny Board Members, the Portfolio Holder and other participants.

Supporting Overview and Scrutiny reviews

These are reports with recommendations that have resulted from the work of a Task Group who will have spent time considering background information, witness evidence, and formulating their recommendations.

The Task Group Chair or his/her deputy will present the final report at a Cabinet meeting. The Cabinet can expect a report that:

- Has clear, concise recommendations,
- Identifies potential areas for improvement; and
- Highlights the financial cost of the recommendations and where possible identifies potential sources of funding.

The relevant Portfolio Holder/s can assist the review in at least three different ways:

1. At the outset of the review, when the Task Group is considering methodology and witnesses to be invited to give evidence
2. During the review when the Portfolio Holder can be invited to give evidence
3. At the end of the review, after the Task Group has produced the first draft of the report.

At stages 1. and 3. the Chair of the Task Group is recommended to meet with the Portfolio Holder and officers:

- (i) To discuss the proposed methodology and sources of evidence for the review and ascertain if the Portfolio Holder has any suggestions to make; and
- (ii) To highlight and examine areas of potential agreement or disagreement in relation to the report's findings and recommendations to ascertain if any areas of disagreement can be resolved at the draft report stage, or identify if any further work needs to be done by the Task Group.

Although this dialogue is encouraged, it is recognised that the Overview and Scrutiny Board and its Task Groups are independent of the Executive, and as such agreement may not be possible on all the findings and conclusions in the draft report.

Planning for Overview and Scrutiny policy development and review role

Overview and Scrutiny Members recognise the Executive's role in taking operational decisions on Executive functions.

The Executive recognises Overview and Scrutiny Board's role in policy development and review, and that good planning will facilitate this work being both effective and timely.

Individual Portfolio Holders, officers and the Chair of the O&S Board should consider meeting regularly to identify and plan for policy development and review work based on the Cabinet Forward Plan and other information. If a new policy is under consideration, then care should be taken to allow the Task Group sufficient time to develop recommendations in regard to the new policy. The involvement of the Portfolio Holder at the time of considering the methodology and sources of evidence for this type of review as outlined above is especially important.

Alternatively, the Portfolio Holder and the Chair of the O&S Board may decide that both timing and circumstances point towards a pre-decision role for the O&S Board i.e. the draft policy which has already been prepared by officers comes to the O&S Board for structured scrutiny and wider Member discussion and input either at the end or at the start of a wider consultation process.