

# Overview & Scrutiny Committee

## Executive-Scrutiny Protocol



### 1. Aims

- 1.1 The aim of the Protocol is to clarify the relationship between the Executive (Cabinet) and the Overview & Scrutiny Committee, in order to ensure the smooth conduct of business and maintain effective communication between Scrutiny and Executive Members. This will promote an effective role for Scrutiny and foster a good working relationship between the Committee and the Executive that will ensure the Committee makes a valuable contribution to the effective running of the Council.

### 2. Foundation & Principles

- 2.1 Under Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, Overview and Scrutiny Committees have statutory powers to scrutinise decisions of the Executive. These decisions can include those the Executive is planning to make, those it plans to implement, and those that have already been taken/implemented.
- 2.2 It remains the ambition of North Norfolk District Council to maintain an amicable working relationship between Scrutiny and the Executive, in order to effectively realise the role of the 'critical friend', and avoid becoming the 'de facto' opposition.
- 2.3 Both Scrutiny and Executive Members are reminded that where effective pre-decision scrutiny has taken place, the Committee will have been party to the policy development process, negating the need for call-in and highlighting the added value that Scrutiny can bring to the authority.

### 3. Overview & Scrutiny Work Programme

- 3.1 The Overview & Scrutiny Annual Work Programme will be set by the Chairman and Members of the Committee with the assistance of the Scrutiny Officer. Some reports are required under the Committee's terms of reference such as the Treasury management strategy and policies, regular updates on crime & disorder in the District and the O&S Annual Report
- 3.2 Where a Member of the Executive or a senior officer wishes to add an item to the Work Programme, a request must be made to the Scrutiny Officer, who will notify the Chairman of the request for consideration.
- 3.3 Standing items for inclusion in the Annual Work Programme;
- The Draft Budget and Budget Monitoring Reports
  - The Medium Term Financial Strategy
  - Treasury/Investment/Capital Strategies
  - The Overview & Scrutiny Annual Report
  - The Treasury Management Annual Report/Treasury Management Half-Yearly Report
  - The Debt Management Annual Report
  - Determination of Council Tax Discounts
  - The Annual Action Plan
  - Performance Management reports

#### **4. Access to Information & Information Sharing**

- 4.1. In addition to the individual rights of Members, Overview & Scrutiny Members have rights to see documents relating to any business that has been transacted at a public or private meeting of the Executive, or its Committees, and any decision taken by an individual Member of the Executive or by an Officer in accordance with Executive arrangements.
- 4.2. It is expected that when the Scrutiny Committee makes a formal request for information, it be delivered in a timely manner within seven working days of the request (where possible) to the Scrutiny Officer or Democratic Services, to be shared with the Committee or wider Members.

#### **5. Overview & Scrutiny's Expectations of the Executive**

- 5.1. An expectation that Cabinet Portfolio Holders will attend meetings of the Overview & Scrutiny Committee, when requested, in order to present reports relevant to their portfolio and answer any subsequent/relevant questions.
- 5.2. In order to notify Scrutiny Members of upcoming business and potential items to be added to the Committee's Work Programme, the Democratic Services Manager will ensure that the Scrutiny Officer is kept updated of all new items that are added to the Cabinet Work Programme
- 5.3. If necessary, the Leader will meet with the Scrutiny Officer, Democratic Services Manager and the Overview & Scrutiny Committee Chairman to consider the best way to deal with any forthcoming items of business

#### **6. Expectations of the Overview & Scrutiny Committee**

- 6.1. That the Committee will provide constructive 'critical friend' challenge to the Executive's proposals and decisions.
- 6.2. That the Committee will remain non-political and be effectively led by Members who take responsibility in their role to drive service improvements and voice the concerns of the public.
- 6.3. That the Committee will maintain appropriate oversight of crime and disorder, and other external organisations whose services affect residents within the district.
- 6.4. The Executive's response to Scrutiny's recommendations will be published in the agenda of the next scheduled Committee meeting
- 6.5. To monitor the effectiveness of services and undertake regular review of performance in relation to the Council's services

#### **7. Call-in**

- 7.1 Call-in is the exercise of the Overview & Scrutiny Committee's statutory power in section 21(3) of the Local Government Act 2000, to review a Cabinet decision that has been made but not yet implemented.
- 7.2 Once made, Cabinet decisions must be published by the Democratic Services Team within two working days of the meeting, with date of publication included. Five clear working days are given before the decision can be implemented, in which time the Call-in must be made.
- 7.3 Requests for Call-in can be made by:

- An individual Member where a decision has a particular significance for the Member's ward
- The Chairman of the Overview & Scrutiny Committee
- Any two Members of the Overview & Scrutiny Committee
- Any three non-executive Members of the Council
- Ten Members of the public living, working or studying within North Norfolk District Council area

7.4 The relevant Overview & Scrutiny Committee cannot overturn the decision that has been called in. It may either concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration, including any recommendations from Scrutiny Members.

7.5 It remains the aim of the Council that call-ins should only be used as a last resort for resolution, and that other less-confrontational means should always be pursued prior to this option.