

BOROUGH OF PENDLE

DRAFT PROTOCOL BETWEEN THE EXECUTIVE AND THE OVERVIEW AND SCRUTINY COMMITTEE

This protocol sets out a broad agreement about the relationship between the Executive and the Overview and Scrutiny Committee. It is designed to ensure mutual respect, openness and constructive discussion in the interests of service improvement.

SCRUTINY RESPONSIBILITIES

Members of the Overview and Scrutiny Committee will carry out overview and scrutiny functions on behalf of the Council as set out at Article 8 and in Part 3 of the Council's Constitution.

The key responsibilities of overview and scrutiny at the Council are to –

- Hold the Executive to account for their decisions;
- Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- Make reports and recommendations to the full Council and/or the Executive and/or any Committee in connection with the discharge of any functions;
- Consider any matter affecting the area of Pendle or its inhabitants and undertake reviews aiming to improve the efficient and effective delivery of services to local people;
- In accordance with the procedures for Call-In, exercise the right to Call-in for reconsideration of decisions falling within their remit which have been made but not yet implemented by the Executive, or on behalf of the Executive.

Work Programming

The Overview and Scrutiny Committee will be responsible for setting its own work programme.

In doing so it will ensure that a strategic approach is taken and that it contains items which are -

- ◆ related to the Council's priorities;
- ◆ a matter of concern to Members/the public;
- ◆ not currently under review by another body or been recently reviewed;
- ◆ issues where something can be done and a scrutiny review could make a difference;
- ◆ are timely.

It will give due consideration to suggestions put forward by the Executive. However, it is not compelled to adopt them. It will also assist the Council and the Executive in the development of the budget and policy framework by analysis of policy issues facing the Council.

The Chair and Vice-Chairs of the Overview and Scrutiny Committee will meet regularly with senior managers to review the Forward Plan and identify upcoming decisions where scrutiny could add value.

Relationship between Executive and Overview and Scrutiny Committee

All Executive members will be notified of meetings of the Overview and Scrutiny Committee and will be invited as witnesses as appropriate. They need only attend those meetings where items

that fall within the remit of their portfolio are being considered; to provide a Portfolio Holder update; or at the request of the Overview and Scrutiny Committee Chair.

Regular informal meetings between the Overview and Scrutiny Committee Chair and Council Leader, as Chair of the Executive, will be encouraged to enhance the relationship of the two functions.

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.

Scrutiny Panel Recommendations

The Overview and Scrutiny Committee will ensure that all recommendations arising from scrutiny reviews and studies are evidence based and deliverable. They will also be made in such a way as to ensure that future monitoring of progress is possible.

The Overview and Scrutiny Committee Chair or Vice-Chair, or if unavailable, a representative of the Committee shall attend the Executive meeting to present the report and/or recommendations.

EXECUTIVE RESPONSIBILITIES

Contributing to the Overview and Scrutiny Work Programme

The Executive may put forward suggestions for potential topics to be included in the Overview and Scrutiny Work Programme. These will typically be strategic issues in which the Scrutiny Team's involvement will add value.

The Executive will also, when appropriate, seek the views of the Overview and Scrutiny Committee during policy development, service planning, objective and budget setting.

The Executive will not try to exercise control over the work of the scrutiny committee or try to influence any review.

Executive Forward Plan

The Executive's Forward Plan will contain sufficient detail to enable scrutiny members to identify forthcoming issues in which they should have an input.

Responding to requests to attend

Executive members will, wherever possible, attend appropriate meetings of the Overview and Scrutiny Committee and its task and finish groups on request to discuss matters relevant to their areas of responsibility.

Access to documents

Subject to limitations below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to any business transacted at a meeting of the Executive or its committees -

Limit on rights – An Overview and Scrutiny Committee will not be entitled to:

- (a) Any document that is in draft form; or
- (b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising, or intend to scrutinise.

Receiving and responding to recommendations

Overview and Scrutiny reports referred to the Executive shall be included on the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.

Where recommendations are made directly to the Executive these will be carefully considered and a formal response made to the Overview and Scrutiny Committee.

In the event that the Executive rejects scrutiny recommendations a clear explanation of the grounds for disagreement will be given. The relevant Executive Member may be asked to attend the meeting at which the response will be reported to provide an explanation of the reasons for that decision.

Ensuring compliance with the Protocol

The Democratic Services Manager and the Monitoring Officer are the responsible officers for overseeing compliance with the Protocol and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. The Scrutiny Annual Report will include an assessment of the effectiveness of the Protocol.