

Report to:	Cabinet	Date of Meeting:	2 November 2023
Subject:	Executive/Scrutiny Protocol		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All
Cabinet Portfolio:	Adult Social Care Children's Social Care Communities and Housing Education Health and Wellbeing Locality Services Planning and Building Control Regeneration and Skills Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

Further to Minute No. 69 of the meeting held on 3 December 2020 to present the views of the four Overview and Scrutiny Committees seeking formal approval of changes to the Executive/Scrutiny Protocol.

Recommendation:

That changes to the Executive/Scrutiny Protocol be approved in relation to:

- (1) Executive Directors and Assistant Directors, whose responsibilities fall within the remit of Overview and Scrutiny Committees, being requested to seek the views of the Committees on all strategies and plans prior to submission to Cabinet and Council; and that if it is not possible, due to time constraints, to submit the final strategy or plan for consideration, then an outline or synopsis be submitted to the Committees to allow an oversight of the proposals to be considered and commented upon; and Section 6 of the Protocol relating to pre-scrutiny be amended accordingly; and
- (2) reference being made to informal meetings of Overview and Scrutiny Committees to review topics in Section 8 of the Protocol.

Reasons for the Recommendation(s):

To comply with decisions of the four Overview and Scrutiny Committees.

Alternative Options Considered and Rejected: (including any Risk Implications)

No alternative options have been considered because a decision is required by the Cabinet.

What will it cost and how will it be financed?

There are no direct financial implications arising from approval of changes to the protocol.

(A) Revenue Costs

See above

(B) Capital Costs

See above

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None	
Legal Implications: None	
Equality Implications: There are no equality implications directly associated with this report. However, matters considered at meetings of Overview and Scrutiny Committees; or when plans and strategies are discussed may have positive or negative equality impacts. Such impacts will be described in more detail at the meetings or when plans and strategies are considered.	
Impact on Children and Young People: Yes. There is a potential that topics considered by informal meetings; and plans and strategies submitted to the Overview and Scrutiny Committee (Children’s Services and Safeguarding) will have an impact on children and young people. Such impacts will be described in more detail at the informal meetings or when plans and strategies are considered.	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
There are no direct climate emergency implications associated with this report. However, matters considered at informal meetings of Overview and Scrutiny Committees; or when plans and strategies are discussed may have positive or negative impacts. Such impacts will be described in more detail at the informal meetings or when plans and strategies are considered.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: The development of an Executive / Scrutiny Protocol should improve the quality of relationships between Cabinet and Scrutiny Members; clarify respective roles; and contribute towards more effective scrutiny in Sefton.
Facilitate confident and resilient communities: As above.
Commission, broker and provide core services: As above.
Place – leadership and influencer: As above
Drivers of change and reform: As above
Facilitate sustainable economic prosperity: As above.
Greater income for social investment: As above.
Cleaner Greener: As above.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD7375/23) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer (LD5575/23) is the author of the report.

The four Overview and Scrutiny Committees and the Overview and Scrutiny Management Board have been consulted and their views are contained in this report.

(B) External Consultations

Consultation has taken place with other local authorities that have previously adopted an Executive/Scrutiny Protocol. Findings indicate that the existence of a Protocol improves the quality of relationships between Cabinet and Scrutiny Members; clarifies respective roles; and contributes towards more effective scrutiny.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

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Appendices:

Appendix A - amended Executive/Scrutiny Protocol if recommendations are approved by Cabinet. Track changes highlighted in red show the changes if approved.

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 Following consideration of guidance published by the Centre for Public Scrutiny during February 2020 entitled "Taking Scrutiny Seriously" the Cabinet, at its meeting held on 30 July 2020, resolved (Minute No. 27) that the Overview and Scrutiny Management Board be requested to develop an Executive/Scrutiny protocol for use in Sefton.
- 1.2 At its meeting held on 8 September 2020 the Overview and Scrutiny Management Board approved a draft protocol that was subsequently approved by the four Overview and Scrutiny Committees.
- 1.3 The Cabinet, at its meeting held on 3 December 2020 considered and approved (Minute No. 69) the Executive/Scrutiny Protocol for use in Sefton.

2. Suggested Additions to the Executive/Scrutiny Protocol by the Overview and Scrutiny Management Board

- 2.1 At its first meeting of the 2023/24 municipal year, held on 20 June 2023, the Overview and Scrutiny Management Board considered the Executive/Scrutiny Protocol.
- 2.2 The Management Board suggested two additions to the Protocol and these are set out in Paragraphs 3 and 4 below.

3. Pre-Scrutiny - Submission of Plans and Strategies to Overview and Scrutiny Committees

- 3.1 The Management Board noted that often strategies and plans were included on the Forward Plan but that rarely were they submitted to Overview and Scrutiny for comment prior to their submission to Cabinet/Council; and suggested that officers should plan more time into the process for formulating plans and strategies to enable Overview and Scrutiny to have an input and provide comments to Cabinet/Council.
- 3.2 The Management Board resolved that Executive Directors and Assistant Directors, whose responsibilities fell within the remit of Overview and Scrutiny Committees, should seek the views of the Committees on all strategies and plans prior to submission to Cabinet and Council; and that if it was not possible, due to time constraints, to submit the final strategy or plan for consideration, then an outline or synopsis be submitted to the Committees to allow an oversight of the proposals to be considered and commented upon.
- 3.3 The Overview and Scrutiny Committee (Regeneration and Skills) at its meeting held on 27 June 2023 also agreed a similar resolution to that detailed in paragraph 3.2 above.

4. Working Group Reviews/Informal Meetings

- 4.1 Section 8 of the Protocol refers to the arrangements to be adopted by Overview and Scrutiny Committees when establishing topics for review by Working Groups.
- 4.2 The Management Board noted that a number of Overview and Scrutiny Committees during 2022/23 established informal meetings, rather than Working Groups, to undertake reviews of services. This practice has continued into 2023/24.
- 4.3 Accordingly, the Management Board agreed that the Executive/Scrutiny Protocol should be updated to reflect the operation of informal meetings.

5. Consideration of the Proposals by Overview and Scrutiny Committees

- 5.1 The four Overview and Scrutiny Committees considered the suggestions made by the Management Board during the September 2023 cycle of meetings.
- 5.2 The Overview and Scrutiny Committees approved the proposals.

6. Conclusion

- 6.1 Cabinet is requested to consider the proposed changes to the Executive/Scrutiny Protocol as referred to in paragraphs 3 and 4 above.
- 6.2 For illustrative purposes, an updated version of the Executive/Scrutiny Protocol is attached. Track changes highlighted in red show the changes if approved.