

Report to: Overview Committee



Date of Meeting 9 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Scrutiny Protocol

Report summary:

To consider a draft Protocol for the Overview and Scrutiny Committees

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Scrutiny consider and recommend changes to the draft Scrutiny Protocol attached at Appendix A
- (2) Alongside any changes recommended by the Overview Committee and Cabinet and taking into account any feedback from the review by the Centre for Governance & Scrutiny, that the draft Scrutiny Protocol be recommended to Members for approval in early 2024

Reason for recommendation:

To ensure that the role of the Scrutiny Committees and the relationship with the Cabinet is clear, effective and is consistent with best practice

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk

Links to background information

[Link to Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

- 1.1 The Centre for Governance & Scrutiny (CfGS) has identified the following four principles which underpin effective scrutiny:
 - Providing a constructive ‘critical friend’ challenge to the Cabinet as well as outside agencies.
 - Reflect the voice and concerns of the public and its communities.
 - Be led by independent people who take responsibility for their role.
 - Drive improvement in public services.
 - 1.2 There are three further components of good scrutiny and good governance which support and reinforce these principles. These are:-
 - Accountability – where responsibility for services and decisions is clear and those holding responsibility can and are answerable for success and failure;
 - Transparency – publication of information relating to services and decisions to allow people to hold decision-makers to account;
 - Involvement – whereby a range of stakeholders can play an active role in holding to account and influencing policy.
 - 1.3 The relationship between Cabinet and Scrutiny is governed in part by law and in part by the Council’s Constitution. To assist Members of the Council’s Scrutiny Committees, all Members of the Cabinet and Senior Officers who attend before a Scrutiny Committee, a Protocol has been produced at Appendix A to this report. This Protocol provides guidance on the various ways in which Members and Senior Officers are required to interact with the Scrutiny Committees to enable the Authority to carry out an effective Scrutiny function. It also sets out the expectations of Members, Senior Officers and the Committee when carrying out those Scrutiny functions.
 - 1.4 Members are invited to consider and recommend any changes to the draft Protocol. Such changes to be taken into account, alongside any changes requested by the Overview Committee, Cabinet Members and taking into account any recommendations from the review by the Centre for Governance & Scrutiny in November 2023. A final draft of the Protocol to be presented to members early in 2024.
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Financial implications:

There are no financial implications directly arising from this report

Legal implications:

The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. The Government issued Statutory Guidance in relation to Overview and Scrutiny Committees in May 2019. In addition, the Centre for Governance & Scrutiny has issued guidance,

both of which have been taken into consideration in the developing of the attached Scrutiny Protocol.