

## **Wokingham Borough Council**

### **DRAFT Executive – Overview and Scrutiny Protocol – 2019**

#### **Aims**

1. The aim of the protocol is to clarify the relationship between the Executive and the Overview and Scrutiny Committees in order to ensure the smooth conduct of Overview and Scrutiny business and to encourage effective communication between Scrutiny and Executive Members. This will lead to more effective scrutiny of and support for the Executive, resulting in better outcomes for the residents of the Borough.

#### **General Principles**

2. The Council's Constitution (Para. 6.1.1) sets out the key functions of Overview and Scrutiny, viz:
  - Holding the Executive to account;
  - Policy Development and Review;
  - Performance Monitoring;
  - External Scrutiny (of partners, contractors and arm's length organisations).

Effective delivery of these functions requires an organisational culture which recognises the important role that Overview and Scrutiny plays and lays the foundations for it to succeed.

3. Executive and Overview and Scrutiny functions should maintain high standards of public accountability, transparency and respect. Relations between the Executive and Overview and Scrutiny should not be confrontational but be a positive and constructive collaboration in order to secure improved outcomes for the residents of the Borough.
4. Overview and Scrutiny Members will work together with the Executive in a bi-partisan environment and aim to adopt a non-adversarial but challenging approach in order to identify improvements and add value.

#### **Working Together**

5. 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;
  - Regular discussions regarding Executive and Overview and Scrutiny work programmes;

- Opportunities for Overview and Scrutiny involvement in pre-decision scrutiny and policy development and review;
- Maintaining effective formal and informal reporting structures;
- Respecting the confidential nature of any exempt/confidential discussions that may take place.

## **Work Programmes**

6. Generally, the Overview and Scrutiny Committees are able to scrutinise any issue which affects the Borough or its residents. At the start of each calendar year the Overview and Scrutiny Management Committee begins the process of developing work programmes for each of the Scrutiny Committees for the upcoming Municipal Year.
7. The Leader of the Council, Executive Members and the Corporate Leadership Team are consulted on potential issues to be included within the work programme. The final content of the work programmes is decided by the Overview and Scrutiny Management Committee. Additional items may be added to the work programmes during the year.
8. In determining items to be included in the work programmes, Overview and Scrutiny Members will apply the selection criteria set out in the Constitution as follows:
  - Items of local and, preferably, current concern;
  - Items linked to the Council's corporate objectives (e.g. Council Plan);
  - Items not being reviewed elsewhere;
  - Items capable of being influenced by the Committee;
  - Items of manageable scope: sufficient size to warrant a Scrutiny review;
  - Items which can be scrutinised within available resources.
9. Overview and Scrutiny Members will review the Executive Forward Programme and the Individual Executive Member Decision Forward Programme on a regular basis in order to identify potential items for review.
10. Biannual discussions will be held between the Chairman of the Overview and Scrutiny Management Committee, the Leader of the Council and the Group Leaders to ensure that there is clarity on the work programmes and that any matters arising are addressed. Similar discussions will be held with the Council's Chief Executive.

## **Scrutiny Process**

11. The Council's Constitution (Paragraph 6.1.5) sets out the process for carrying out the Scrutiny role. Overview and Scrutiny Committees may:
  - Question Members of the Executive and/or Committees and Officers of the Council about their decisions and/or performance;

- Make requests for information from external organisations and partners authorities;
  - Seek independent expert advice or appoint specialist advisers;
  - Appoint non-voting co-opted members as necessary;
  - Gather information informally by working individually or in small Task and Finish Groups.
12. Once a Scrutiny review topic has been agreed the relevant Executive Member and Director will be informed of the terms of reference. The Executive Member and Director will also be invited to attend the Committee meeting when the final review report is considered.
  13. When a Scrutiny review report is approved for submission to the Executive or Council, the relevant Executive Member and Director will be invited to submit comments on the report, including which recommendations they accept. For each recommendation accepted they will set out how and when it will be implemented. For each recommendation that is not accepted reasons will be given.
  14. The relevant Overview and Scrutiny Committee Chairman may attend the relevant meeting of the Executive to introduce the Scrutiny report.
  15. The Executive or Council will consider any Scrutiny review report within two months of receipt. Details of decisions made by the Executive or Council will be circulated to all members of the Council.

### **Access to Information**

16. In addition to their individual rights as Members, Overview and Scrutiny Members have additional rights to see documents relating to:
  - Any business that has been transacted at a public or private meeting of the Executive, or its Committees;
  - Any decision taken by an individual Member of the Executive or by an Officer in accordance with Executive arrangements.
17. Relevant documents must be provided within 10 days of a request from an Overview and Scrutiny Member. There is a limitation on such requests in relation to draft documents, exempt or confidential information (unless relevant to a Scrutiny review) and advice from a political adviser. If the Executive decides not to provide information requested it must provide reasons.

### **Call-In**

18. The Call-In process will be used in exceptional circumstances, where five non-Executive Members believe that a decision was not taken in line with the following principles:
  - Proportionality (action proportionate to the desired outcome);

- Due consultation and the taking of professional advice from Officers;
- Human rights will be respected and considered at an early stage in the decision-making process;
- A presumption in favour of openness;
- Clarity of aims and desired outcomes;
- For Executive decisions, details of options taken into account and the reasons for decisions will be recorded.

19. The relevant Overview and 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.

### **Communication and Publicity**

20. It is important that the work of the Overview and Scrutiny Committees receives broad publicity in order to ensure that residents and community groups are able to engage with the process. Scrutiny support Officers will work with the Council's Communications Team to coordinate Calls for Evidence and Press Releases relating to the work of the Committees. Social media and the Council's website will be utilised whenever possible. Liaison will take place with Executive Members and Directors as necessary to ensure clear and consistent communications.

### **Monitoring and Review**

21. The Council's Monitoring Officer and Scrutiny Officer will monitor compliance with the protocol in liaison with Executive and Overview and Scrutiny Members and the Corporate Leadership Team. Any matters arising will be reported to Council through the Annual Overview and Scrutiny report.