



---

# CONSTITUTION WORKING PARTY

**Date: WEDNESDAY, 16 FEBRUARY 2022 at 6.00 pm**

**Town Hall Chambers  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU**

**Enquiries to: [sarah.assibey@lewisham.gov.uk](mailto:sarah.assibey@lewisham.gov.uk)  
Telephone: 02093148975 (direct line)**

## **MEMBERS**

Councillor Obajimi Adefiranye  
Councillor Kevin Bonavia  
Councillor Leo Gibbons  
Councillor James Rathbone  
Councillor James-J Walsh

L  
L  
L  
L

Labour  
Co-op  
Labour  
Co-op

Councillor Susan Wise

## ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
1.	Declarations of Interest	1 - 4
2.	Minutes	5 - 7
3.	Constitutional Provision for the Awards of Honorary Aldermanic titles	8 - 18
4.	Scrutiny-Executive Protocol	19 - 34
5.	Constitutional Update - verbal update from the Monitoring Officer	

| | | |

CONSTITUTION WORKING PARTY			
Report Title	Declarations of Interests		
Key Decision	No		Item No. 1
Ward	n/a		
Contributors	Chief Executive		
Class	Part 1	Date: 16 February 2022	

## Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

### 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

### 2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.

- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

**(5) Declaration and Impact of interest on members' participation**

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

**(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

**(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

# Agenda Item 2

CONSTITUTION WORKING PARTY			
Report Title	Minutes		
Key Decision			Item No. 2
Ward	ALL		
Contributors	CHIEF EXECUTIVE		
Class	Part 1	Date:16 February 2022	

## Recommendation

It is recommended that the Minutes of the meeting of the Working Party, which was open to the press and public, held on 16 September 2021 (copy attached) be confirmed and signed.

# MINUTES OF THE CONSTITUTION WORKING PARTY

Tuesday 16 September at 6pm

Present: Councillor Wise, Councillor Bonavia, Councillor Adefiranye, Councillor Gibbons, Councillor Rathbone and Councillor Walsh.

## 1. Election of Chair and Vice Chair

Councillor Wise was nominated and elected Chair of the committee for the municipal year 2021/22.

Councillor Bonavia was nominated and elected as Vice Chair of the committee for the municipal year 2021/22.

## 2. Minutes

The minutes of the last meeting were agreed

## 3. Declarations of Interest

No interests were declared.

## 4. Awards of Honorary Alderman and Alderwoman Titles

The Head of Law presented this item for the CWP to recommend a protocol to the Council in adopting Aldermen and Alderwomen for people who have served on the Council and to make any recommendations around the recommendation. Members were to consider the criteria for these awards, if adaptation were agreed.

Alderman and Alderwoman are a legacy from previous local government arrangements. In 1972 the titles were retained but purely honorific titles/ local authorities frequently use it to reward and recognise the long and good service of Councillors.

The Head of Law highlighted that a councillor who has the title is not prevented from returning to Council subsequently, but if they did, they could not use the title of Alderman or Alderwoman.

The committee referred to Appendix 1 which outlined the protocol for conferring the title of Alderman and Alderwoman to ex-members of the authority. They also discussed making the title more gender-neutral to Alderpersons for Lewisham.

Members discussed the length of time required in service for a Councillor to be allowed the title of Alderman, Alderwoman or Alderperson.

They also discussed whether or not a Councillor had to in service or an ex-Member to be nominated for the title.



Councillor Walsh suggested the committee endorses: a local agreement that Alderperson can be used as a title; enable former councillors to still have the title bestowed upon if possible; Alderpersons will be able to perform citizenship ceremonies.

Counterparts such as Southwark and Bromley require 8 years of service and the title is bestowed upon Members who have not been subject to disciplinary or been made to retire their position in Council.

It was discussed that length of service and the good work a Member has done before they stand down are the most important factors to consider when nominating for the title. It was also argued that a Member who has served 12 years has rendered eminent service of itself.

Members agreed that the process should be that by the time the nomination gets to Council, there should already be a consensus of the awarding, to avoid political or arbitrary conflict.

RESOLVED to endorse the report subject to the following amendments:

- Length of service to be 8 years (subject to agreement later)
- Alderperson to be included as a title alongside Alderman and Alderwoman

Subject to agreement of Members at Labour Group, the recommendations will go to full Council for implementation and amendment to the Constitution.

The meeting finished at 6.50pm

# Agenda Item 3



## Constitution Working Party

### **Report title: Constitutional Provision for the Awards of Honorary Aldermanic titles**

**Date:** February 16 2022.

**Class:** Part 1.

**Ward(s) affected:** All

**Contributors:** Director of Law, Governance & Elections

### **Outline and recommendations**

This report describes the rights and process for a principal Council to award honorary titles to former members. The Working Party is asked to adopt a Constitutional revision making explicit that awards of the titles of Honorary Alderman, Honorary Alderwoman and Honorary Alder are a decision reserved to the Council, as shown at Appendix 2.

The Working Party is recommended to

- (1) receive the proposed Council report attached as Appendix 1
- (2) ask the Council to amend the Constitution to include the proposed revision at Appendix 2 of this report.

## Timeline of engagement and decision-making

There have been many Council decisions amending the Constitution since its introduction in 2002. Should this amendment be recommended by the Constitution Working Party it will be considered by the Council on January 19 2022. The rights to confer Honorary titles of Alderman and Alderwoman are statutory. Hitherto the Council has not exercised these rights but the agreement of the suggested Constitutional amendment would make explicit that this is a decision reserved to Council.

### 1. Summary

- 1.1. This report suggests the agreement to a Constitutional amendment on the award of Honorary Alderman, Honorary Alderwoman and Honorary Alder titles making explicit that decisions on proposals are reserved to the Council.

### 1.2. Recommendations

- 1.3. The Working Party is recommended to agree that:
- (1) the Constitution be amended to include the proposed revision at Appendix 2 of this report.
  - (2) the proposed Council report attached as Appendix 1 be received.

### 2. Glossary

Term	Definition
Alderman & Alderwoman	Historically this was a co-opted member of an English county or borough council, next in status to the Mayor. Currently these are honorary awards that can be given to former Mayors and Councillors by Council resolution.

### 3. Report author and contact

- 3.1. Kevin Flaherty– Head of Business and Committee, London Borough of Lewisham, Laurence House, Rushey Green, SE6 4RU 0208 314 9327  
[kevin.flaherty@lewisham.gov.uk](mailto:kevin.flaherty@lewisham.gov.uk)

Article 4(r) of the Constitution on decisions reserved to the Council be extended with the text in bold to read:

(r) conferring the freedom of the borough **and creating Aldermen, Alderwomen and Alders.**

DRAFT



## Council

### **Report title: Adoption of Protocol for the Awards of Honorary Alderman Alderwoman and Alder titles**

**Date:** February 16 2022.

**Class:** Part 1.

**Ward(s) affected:** All

**Contributors:** Director of Law, Governance & Elections

### **Outline and recommendations**

This report describes the rights and process for a principal Council to award honorary titles to former members. The Council is asked to adopt the Protocol shown at Appendix 1 relating to Awards. The Council is further asked to adopt a Constitutional revision making explicit that awards of the titles of Honorary Alderman, Honorary Alderwoman and Honorary Alder are a decision reserved to the Council, as shown at Appendix 2.

The Council is recommended to

- (1) Adopt the Protocol shown at Appendix 1 of this report.
- (2) Amend the Constitution to include the proposed revision at Appendix 2 of this report.

## **Timeline of engagement and decision-making**

There have been many Council decisions amending the Constitution since its introduction in 2002. The suggested amendment was recommended by the Constitution Working Party at a meeting scheduled on September 16. The rights to confer Honorary titles of Alderman and Alderwomen are statutory. The addition of a gender neutral title of Honorary Alder would be in accordance with Lewisham's equality commitments. Hitherto the Council has not exercised these rights but the agreement of the attached protocol would establish the basis on which valid awards could be made.

### **1. Summary**

- 1.1. This report suggests the adoption of a Protocol on which the award of Honorary Alderman, Honorary Alderwoman and Honorary Alder titles could be made and further proposes an amendment to the Council's Constitution to make explicit that decisions on proposals are reserved to the Council.

#### **1.2. Recommendations**

- 1.3. The Council is recommended to agree that:
- (1) The Protocol shown at Appendix 1 be adopted;
  - (2) The Constitution be amended to include the revision shown at Appendix 2; and
  - (3) Existing statutory powers to confer the titles of Alderman and Alderwoman be noted and the addition of a title of Alder be made in accordance with existing equality commitments.

### **2. Policy Context**

- 2.1. The Council's Corporate Strategy makes an explicit commitment to strong corporate governance. The ability to retain the involvement of experienced former members could lend assurance to the decision making process.

### **3. Background**

- 3.1. Under the provisions of Section 249 (1) of the Local Government Act 1972 a principal council may, by resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of honorary alderman or alderwoman or alder on persons who have, in the opinion of the council, rendered eminent, exceptional and distinguished services to the council, above such duties as are expected of councillor, as past members of that council.
- 3.2. Title recipients may attend and take part in such civic ceremonies as the council

may from time to time decide but has no right to attend meetings of the council or a committee in the capacity of a councillor, or receive any of the allowances or other payments to which councillors are entitled.

- 3.3. Only the Council of a London borough or a district which has the status of a city, borough or royal borough may spend such reasonable sum as it thinks fit for the purpose of presenting an address to a person upon whom it has conferred the title. Should the award of an honorary alderman title be agreed by the Council, it is suggested that officers be requested to organise an appropriate presentational ceremony in consultation with the Speaker of the Council.
- 3.4. Lewisham has hitherto not utilised this power contained in the Local Government Act 1972 to create Honorary Aldermen or Alderwomen or Alder, but the 2008 White Paper, 'Communities in Control; Real People, Real Power' suggested that 'where councillors lose their seats or retire often their experience and knowledge is lost to local government. We want more councils to recognise the contribution of former councillors and encourage their continuing involvement through existing powers to create Aldermen.'
- 3.5. The Proper Officer will convene an extraordinary meeting of the Council to consider Aldermanic nominations if called upon to do so by either the Speaker, the Mayor or any five members of the Council by means of a signed requisition.
- 3.6. Minor revisions to the Constitution are suggested as set out in the appendix to this report to make explicit that awards of Aldermanic titles are a decision reserved to the Council.

#### **4. The need for amended rules of procedure**

- 4.1. It is a legal requirement under Section 9P Local Government Act 2000 that the Council have and keep up to date a Constitution which contains standing orders/rules of procedure. Amendments to the Constitution are for full Council to decide.

#### **5. Financial implications**

- 5.1. There are no new financial implications arising from the proposed amendment to the Constitution.

#### **6. Legal implications**

- 6.1. The legal implications pertaining to governance issues are set out in the body of the report. The Local Government Act 1972 enabled principal councils to confer the title of Alderman to men or women. The Local Democracy Economic Development and Construction Act 2009 made provision for the award of the title of Alderwoman.
- 6.2. Members are reminded of the Council's duties under the Equality Act 2010
- 6.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality gender reassignment, marriage and civil partnership, pregnancy and maternity, race, duty or the duty). It covers the following protected characteristics: age, disability, religion or belief, sex and sexual orientation
- 6.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 6.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.
- 6.6. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances
- 6.7. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 6.8. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 6.9. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four



documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **7. Equalities implications**

- 7.1. There is statutory provision for the award of the titles Alderman and Alderwoman. The addition of an additional title of Alderperson would be in accordance with Equality Act 2010 provisions

## **8. Climate change and environmental implications**

- 8.1. There are none associated with the proposed change to the Constitution.

## **9. Health and wellbeing implications**

- 9.1. There are no specific implications

## **10. Background papers**

- 10.1. None

## **11. Glossary**

<b>Term</b>	<b>Definition</b>
Alderman & Alderwoman	Historically this was a co-opted member of an English county or borough council, next in status to the Mayor. Currently these are honorary awards that can be given to former Mayors and Councillors by Council resolution.

## **12. Report author and contact**

- 12.1. Kevin Flaherty– Head of Business and Committee, London Borough of Lewisham, Laurence House, Rushey Green, SE6 4RU 0208 314 9327  
[kevin.flaherty@lewisham.gov.uk](mailto:kevin.flaherty@lewisham.gov.uk)

Article 4(r) be extended with the text in bold to read:

(r) conferring the freedom of the borough **and creating Honorary Aldermen, Alderwomen and Alders**

## **APPENDIX 1 – Protocol on Conferring the Title of Honorary Alderman, Alderwoman and Alder to Ex-Members of the Authority**

The Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' (or 'Honorary Alderwoman') on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are no longer members of the council. The act does not specify how eminent services are defined, and this is left as a matter of local interpretation. Therefore it is suggested the criteria to be used to select Honorary Aldermen, Alderwomen or Alder for appointment are:

- (1) The titles of Honorary Alderman, Alderwomen or Alder can only be conferred to an ex-member of the authority for whom it has been deemed that they have provided eminent, exceptional and distinguished services to the council, above such expectations and duties that are expected of councillors.
- (2) Honorary Aldermen, Alderwomen or Alder must have served 8 years in total on the Council.
- (3) This service does not have to be consecutive.
- (4) That on a case by case basis where exceptional circumstances apply, the title may be conferred on former councillors who fall outside of criteria 2) and 3) above.
- (5) That the award not be conferred automatically on councillors upon retirement from the council.
- (6) Nominations may be made while the proposed Honorary Alderman, Alderwoman or Alder is still a member of the council once it has been confirmed they will not be standing for election again. However the Honorary Aldermanic titles can only be conferred once they are no longer a member of the council.
- (7) Should an Honorary Alderman, Alderwoman or Alder subsequently be re-elected to the Council, the award will be held in temporary suspension during the period of direct service as a member of the council.
- (8) Awards can be made posthumously to former members.
- (9) Nomination are made by the Mayor, Speaker or 5 Councillors, and then a resolution of two thirds of those present must be passed at a specially convened Council Meeting.
- (10) In the inaugural year of the introduction of Honorary Aldermanic there will be a maximum of 8 of conferrals. Thereafter, in successive municipal years there can be a maximum of 4 conferrals per year.
- (11) Nominations should initially be considered by the Council's Standards Committee.

## **Appointment of Honorary Alderman, Alderwoman or Alder**

Appointments of Honorary Aldermen, Alderwomen and Alder must take place at a Council meeting specially convened for the purpose. This meeting will take place before the first full council meeting of the municipal year following the Council's AGM. Two thirds of the members present at the meeting must vote in favour of a resolution for the nominee to be appointed as an Honorary Alderman, Alderwoman or Alder.

Recipients may speak once the vote has taken place in order to accept the honour.

All recipients will be given a certificate conferring the title, a badge of office, and their name will be placed on an honours board in the Civic Suite and on the Council website.

## **Rights of Honorary Aldermen, Alderwomen and Alder**

The titles of Honorary Alderman, Alderwoman or Alder does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public.

The only rights that are conferred to an Honorary Alderman, Alderwoman or Alder by virtue of their appointment is to be invited to Civic functions and events by invitation of the Council. The Council will decide which Civic functions and events it is appropriate to invite Honorary Aldermen, Alderwoman or Alder to.

## **Removal of Title of Honorary Alderman, Alderwoman or Alder**

There may be occasions where, due to the past or future behaviour of individuals who have been appointed as Honorary Aldermen, Alderwoman or Alder the Council may wish to remove the title of from an individual.

Removal of the title of Honorary Alderman, Alderwoman or Alder will follow the same process as appointment (nomination by the Mayor, Speaker or 5 Councillors, and then a resolution of two thirds of those present must be passed), however it may take place at any meeting of Full Council rather than a specially convened meeting.



## Constitution Working Party

### Report title: Updates to the Council's Constitution

**Date:** 16 February 2022.

**Class:** Part 1.

**Wards affected:** All (none specific)

**Contributor:** Director of Law, Governance & Elections (Monitoring Officer)

### Outline and recommendations

This report asks the working group to recommend to Council that the Scrutiny-Executive Protocol is appended to the Constitution, in line with statutory scrutiny guidance. The report also asks the working group to note the actions taken by the Council's Monitoring Officer removing reference to virtual meetings following the Regulations falling away in May 2021

It is recommended that the working group: -

1. Recommends to Council that the Scrutiny-Executive Protocol is appended to the Constitution;
2. Notes the actions taken by the Council's Monitoring Officer to give the Constitution legal effect.

## 1. Summary

- 1.1. Statutory scrutiny guidance published in May 2019, which local authorities must have regard to when exercising their functions, recommends developing a scrutiny-executive protocol. A draft protocol has been developed and, in accordance with the guidance, it is suggested that this is formally integrated into the Constitution.
- 1.2. In response to the coronavirus pandemic the Government introduced time limited Regulations which suspended the requirement for local authority meetings to be held in person in order to enable such meetings to be held remotely. The Council agreed amendments to its Constitution to include procedure rules governing remote meetings. The Regulations ceased to apply in May 2021 and the Council's Monitoring Officer has amended the Constitution to ensure it is lawful.

## 2. Recommendation

- 2.1. It is recommended that the Constitution Working Group (a) recommends to Council that the Scrutiny-Executive Protocol is appended to the Constitution, and (b) notes the actions taken by the Council's Monitoring Officer to give the Constitution legal effect.

### **3. Policy context**

- 3.1. The contents of this report are in accordance with the Council's corporate strategy, which makes an explicit commitment to strong corporate governance.

### **4. Background**

- 4.1. Statutory guidance on overview and scrutiny was published in May 2019, which local authorities must have regard to when exercising their functions, recommends developing a scrutiny-executive protocol. Whilst "having regard to" the guidance does not mean that the guidance has to be followed in every detail, it does mean that it should be followed unless there is a good reason not to in a particular case.
- 4.2. In response to the global coronavirus pandemic the Government introduced the Coronavirus Act 2020. It provided for regulations to be made which enabled local authority meetings to be held remotely. On 4<sup>th</sup> April 2020 the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 were introduced, which provided a temporary legal foundation for remote meetings to take place. Attendance by a member at meetings did not have to be in person but could be remote by electronic means provided certain conditions were met. This legislation is no longer in force.
- 4.3. It is a legal requirement under Section 9P Local Government Act 2000 that the Council have and keep up to date a constitution which contains standing orders/rules of procedure.

### **5. Scrutiny-Executive Protocol**

- 5.1 The Overview and Scrutiny Business Panel received an initial report on the development of a scrutiny-executive protocol in June 2021. The protocol was then developed and agreed and the draft document is attached. The protocol is being considered at a meeting of the Overview and Scrutiny Business Panel on 8 February 2022. An update on the outcome of the discussions held will be provided to the Constitution Working Group at its meeting on 16 February 2022.
- 5.2 The protocol helps ensure that: -
- there is a framework in place to ensure that debate happens in a constructive way
  - the outcomes of scrutiny positively benefit the residents of Lewisham
  - scrutiny is effective
  - there is an ethos of mutual respect between the executive and scrutiny
  - all work undertaken by members is aligned in supporting the corporate strategy and improving outcomes.
- 5.3 The protocol covers:
- How scrutiny operates at Lewisham
  - The aims of the protocol
  - Scrutiny's work programme
  - Channels of communication
  - Attendance at formal meetings
  - Ethos/Behaviour
  - Scrutiny referrals and recommendations (and Mayoral responses)
  - Upholding the protocol

- 5.4 The statutory scrutiny guidance suggests that councils should consider how to adopt a protocol. It is proposed that Lewisham's protocol is formally integrated into the constitution via Council on 2<sup>nd</sup> March 2022.

## **6. Financial implications**

- 6.1. There are no new financial implications arising from the implementation of the recommendation in this report.

## **7. Legal implications**

- 7.1. The legal implications pertaining to the two governance issues covered by this report are set out in the body of the report.
- 7.2. Members are reminded of the Council's duties under the Equality Act 2010
- 7.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality gender reassignment, marriage and civil partnership, pregnancy and maternity, race, duty or the duty). It covers the following protected characteristics: age, disability, religion or belief, sex and sexual orientation
- 7.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 7.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.
- 7.6. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances
- 7.7. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

7.8. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

7.9. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## 8. Equalities implications

8.1. There are no further equalities implications arising as a result of the implementation of the recommendations in this report.

## 9. Climate change and environmental implications

9.1. There are no specific climate change and environmental implications arising as a result of the implementation of the recommendation in this report.

## 10. Health and wellbeing implications

10.1. There are no specific implications arising from the implementation of the recommendations in this report.

## 11. Background papers

11.1. [Link to the page hosting the Constitution on the Council website](#)

11.2. [Report to Council on 15 July 2020 amending the constitution](#)

11.3. [Report to OSBP on 8 February 2022 the Scrutiny-Executive Protocol](#)

11.4. [Statutory Scrutiny Guidance, May 2019](#)

## 12. Appendices

Draft Scrutiny-Executive Protocol

## 13. Glossary

Term	Definition
Constitution	The rules which govern how council business is done.

**Is this report easy to understand?**

Please give us feedback so we can improve.

Page 22

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



<b>Term</b>	<b>Definition</b>
Overview & Scrutiny	Overview and scrutiny is the way in which Mayor and Cabinet (the 'Executive'), officers and external organisations are held to account for the decisions that they make. It is led by councillors who are not members of the Executive. They also influence policy development and investigate issues of local concern, making recommendations for improvement.
Overview & Scrutiny Business Panel (OSBP)	<p>Lewisham has two Business Panels (sub-committees of the Overview and Scrutiny Committee).</p> <p>OS Business Panel is made up of the chair and vice-chair of the Overview and Scrutiny Committee, the chair of each of the Select Committees, and two other non-Executive councillors.</p> <p>The main functions of Business Panel are reviewing key decisions once they have been taken (potentially "calling in" key decisions that have been made but not yet implemented); coordinating and approving the overall scrutiny work programme; and allocating scrutiny work in the event that it crosses the remit of more than one scrutiny body.</p>
Scrutiny-Executive Protocol	A document that helps ensure that there is a framework in place to ensure that debate interaction between scrutiny and the executive happens in a constructive way and there is an ethos of mutual respect between the executive and scrutiny; that the outcomes of scrutiny positively benefit residents; that scrutiny is effective; and that all work undertaken by members is aligned in supporting the corporate strategy and improving outcomes.

## **14. Report author and contact**

- 14.1. Jeremy Chambers – Director of Law, Governance & Elections (Monitoring Officer)  
London Borough of Lewisham, 0208 314 7648, [jeremy.chambers@lewisham.gov.uk](mailto:jeremy.chambers@lewisham.gov.uk)



## Overview and Scrutiny Business Panel

### Scrutiny – Executive Protocol

**Date:** 8 February 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Assistant Chief Executive (Overview and Scrutiny Manager)

### Outline and recommendations

The purpose of this item is for Members to note the agreed Scrutiny-Executive protocol.

#### 1. Summary

- 1.1. The intention of this item is to provide Members with information on the Scrutiny-Executive Protocol.

#### 2. Recommendation

- 2.1. Members are asked to agree the attached protocol.

#### 3. The Protocol

- 3.1 Statutory scrutiny guidance published in May 2019, which local authorities and combined authorities must have regard to when exercising their functions, recommends developing a scrutiny - executive protocol. Whilst “having regard to” the guidance does not mean that the guidance has to be followed in every detail, it does mean that it should be followed unless there is a good reason not to in a particular case.
- 3.2 Business Panel received a report on the development of the protocol in June 2021. The protocol has now been finalised and is attached at Appendix A.
- 3.3 The protocol helps ensure that:
- there is a framework in place to ensure that debate happens in a constructive way
  - the outcomes of scrutiny positively benefit the residents of Lewisham

- scrutiny is effective
- there is an ethos of mutual respect between the executive and scrutiny
- all work undertaken by members is aligned in supporting the corporate strategy and improving outcomes.

### 3.4 The protocol covers:

- How scrutiny operates at Lewisham
- The aims of the protocol
- Scrutiny's work programme
- Channels of communication
- Attendance at formal meetings
- Ethos/Behaviour
- Scrutiny referrals and recommendations (and Mayoral responses)
- Upholding the protocol

### 3.5 The guidance suggests that councils should consider how to adopt a protocol. It is proposed that the protocol is formally integrated into Lewisham's constitution via full council on 2 March 2022.

## 4 Financial implications

### 4.1 Scrutiny and the Executive communicating and working effectively together could have a positive financial impact, minimising delays in decision making and coordinating the effective and timely delivery of policies and priorities.

## 5 Legal implications

### 5.1 There are no direct legal implications arising from this report.

## 6 Equalities implications

### 6.1 The delivery of the Council's equalities objectives is to be achieved through the delivery of all of the Council's strategies, plans and procedures. As such, all select committees and other scrutiny bodies, when planning their work and scrutinising items, bear in mind the delivery of the Council's equality objectives.

### 6.2 Scrutiny tries to make sure that its work reflects the diversity of Lewisham's communities and that the views of residents are fairly represented in scrutiny processes. Any recommendations arising from scrutiny work support the Council's corporate strategy and reflect the needs of local residents.

## 7 Climate change and environmental implications

### 7.1 There are no direct climate change or environmental implications arising from this report. However the effective working of Select Committees such as the Sustainable Development Select Committee contributes to delivery of the Council's priorities and responsibilities in these areas.

## 8 Crime and disorder implications

### 8.1 There are no direct crime and disorder implications arising from this report. However the effective working of Select Committees such as the Safer, Stronger Communities Select Committee contributes to delivery of the Council's priorities and responsibilities in these areas.

## 9 Health and wellbeing implications

### 9.1 There are no direct health and wellbeing implications arising from this report. However the effective working of Select Committees such as the Healthier Communities Select

Committee contributes to delivery of the Council's priorities and responsibilities in these areas.

## 10 Glossary

Term	Definition
Overview & Scrutiny	Overview and scrutiny is the way in which Mayor and Cabinet (the 'Executive'), officers and external organisations are held to account for the decisions that they make. It is led by councillors who are not members of the Executive. They also influence policy development and investigate issues of local concern, making recommendations for improvement.
Overview and Scrutiny Committee	A committee made up of all non-executive councillors which carries out scrutiny focussing on strategic and cross cutting issues.
Overview & Scrutiny Business Panel (OSBP) and Education OSBP	<p>Lewisham has two Business Panels (sub-committees of the Overview and Scrutiny Committee).</p> <p>OS Business Panel is made up of the chair and vice-chair of the Overview and Scrutiny Committee, the chair of each of the Select Committees, and two other non-Executive councillors.</p> <p>The main functions of Business Panel are reviewing key decisions once they have been taken (potentially "calling in" key decisions that have been made but not yet implemented); coordinating and approving the overall scrutiny work programme; and allocating scrutiny work in the event that it crosses the remit of more than one scrutiny body.</p> <p>Three parent governors and two diocesan representatives sit on the Education Business Panel, alongside the councillors that make up the regular Business Panel. The Education Business Panel reviews (and can call-in) key decisions that are education matters.</p>
Select Committee	Lewisham has six Select Committees (sub-committees of the Overview and Scrutiny Committee), each made up of non-Executive councillors and responsible for scrutinising a specific service area. Select Committees gather evidence to help them review policies and performance and make recommendations to improve outcomes for residents.
Select Committee Work Programmes	The annual programme of work setting out the matters which each select committee will scrutinise over the year.
Task and Finish Group (TFG)	A time limited scrutiny body which gathers evidence in relation to a topical issue of concern in order to make recommendations to improve outcomes for residents.

Scrutiny-Executive Protocol	A document that helps ensure that there is a framework in place to ensure that debate interaction between scrutiny and the executive happens in a constructive way and there is an ethos of mutual respect between the executive and scrutiny; that the outcomes of scrutiny positively benefit residents; that scrutiny is effective; and that all work undertaken by members is aligned in supporting the corporate strategy and improving outcomes.
-----------------------------	--

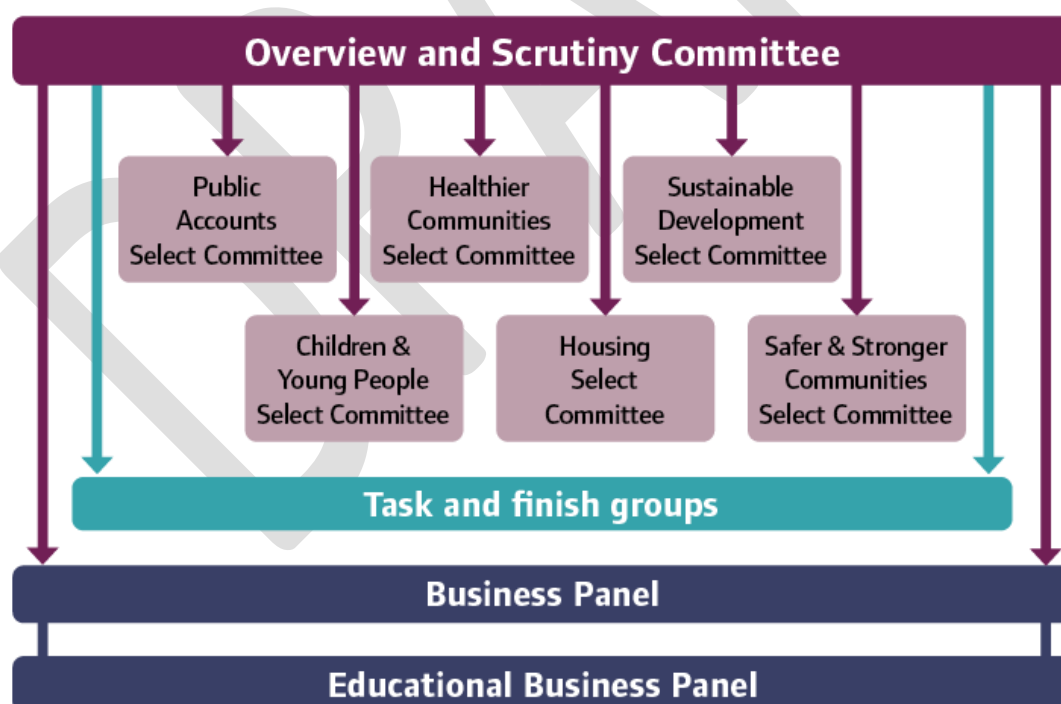
## **11 Report author and contact**

11.1 Charlotte Dale, Overview and Scrutiny Manager, 0208 31 48286,  
[charlotte.dale@lewisham.gov.uk](mailto:charlotte.dale@lewisham.gov.uk)

## Lewisham Scrutiny Executive Protocol

### 1. Scrutiny at Lewisham

- 1.1 The council has a comprehensive governance structure within which scrutiny operates as a check and balance to the Executive (which, in Lewisham, is the directly elected Mayor and appointed Cabinet). Effective scrutiny provides constructive challenge to decision makers, amplifies the voices and concerns of the public, is led by independent people who take responsibility for their role and helps drive improvement in public services.
- 1.2 Its various bodies can make reports and recommendations to the Mayor and Cabinet and carry out:
- **Pre-decision scrutiny** (*helping to improve the quality of decisions that are subsequently taken*)
  - **Post-decision scrutiny** (*making suggestions for how a decision should be implemented or requiring that a decision is reconsidered*)
  - **Performance monitoring** (*ensuring that service delivery standards are high and poor performance is rectified*)
  - **Policy development** (*contributing to the development of new policies, strategies and services*).



- 1.3 All non-Executive councillors (those who are not members of the Mayor's Cabinet) sit on the Overview and Scrutiny Committee (OSC). The OSC focuses on key strategic and cross-cutting issues. Some

Members of the OSC also serve on six select committees covering specific areas. The OSC can also establish time limited task and finish groups (TFGs) to look at topical issues of concern to Lewisham residents.

#### 1.4 At Lewisham, Scrutiny:

**Prioritises** – Scrutiny focuses on issues of concern to the community and/or matters that are linked to corporate priorities. Scrutiny only adds items to the work programme if it is certain its consideration of the matter will make a real and tangible difference.

**Is independent** - Scrutiny is led by Scrutiny Members. Scrutiny Members are in charge of the work programme and, for every item, specify what evidence they require and what information they would like to see in any officer reports that are prepared. Scrutiny Members are not whipped by their political party or unduly influenced by the Cabinet or senior officers.

**Works collectively** - Scrutiny collectively agrees in advance what it wants to achieve in relation to each item under consideration, including what the key lines of enquiry should be. Scrutiny Members work as a team to question witnesses and ensure that all the required evidence is gathered. Scrutiny is impartial and the scrutiny process should be free from political point scoring and not used to further party political objectives.

**Engages** - Involving residents helps scrutiny access a wider range of ideas and knowledge, listen to a broader range of voices and better understand the opinions of residents and service users. Engagement helps ensure that recommendations result in residents' wants and needs being more effectively met.

**Makes evidence-based recommendations** - Scrutiny makes recommendations that are based on solid, triangulated evidence – where a variety of sources of evidence point to a change in practice that will positively alter outcomes.

## 2. Aims of the protocol

### 2.1 This protocol establishes a framework for how Scrutiny and the Mayor and Cabinet can work together so that:

- Debate happens in a constructive way (with questioning that seeks to add to the sum of knowledge in the area being scrutinised)
- Scrutiny is timely and effective
- Conflict is minimised
- There is an ethos of mutual respect between the Mayor and Cabinet and Scrutiny
- All work undertaken by Members is aligned in supporting the corporate and improving outcomes
- The outcomes of scrutiny positively benefit the residents of Lewisham.

### 3. Scrutiny's work programme

- 3.1 It is expected that scrutiny will focus on issues of concern to the community and/or matters that are linked to the Council's corporate priorities and other key strategies. Scrutiny will only add items to its work programme if it is certain that its consideration of the matter will make a real and tangible difference.
- 3.2 **OSC** focusses on looking at cross-cutting and strategic issues that do not fall into the remit of a single select committee; and on holding Cabinet Members to account on their portfolio and priorities. The size of OSC has an impact on the type of scrutiny it carries out. The format lends itself, for example, to:
- The exploration of key strategic issues - where speakers are invited and a matter is explored with a view to inspiring members to consider the issue further either at smaller scrutiny meetings (select committees or TFGs) or in their back bench roles.
  - Q&A sessions - where invited people (often Cabinet Members or Senior Officers) are asked about their areas of responsibility/expertise and held to account.)
- It is expected that if a matter falls wholly within the terms of reference of a specific select committee, scrutiny of that matter will ordinarily be carried out by that select committee, rather than Overview and Scrutiny Committee.
- 3.3 The six **Select Committees** cover specific service areas and in relation to these areas, they can:
- Carry out pre-decision scrutiny, looking at decisions due to be taken by Mayor and Cabinet before they are taken and making recommendations in relation to them.
  - Monitor service performance.
  - Comment on and make recommendations in relation to policy development.
- 3.4 The select committees devise an annual programme of work at the start of each year which is agreed by the Overview and Scrutiny Business Panel (OSBP). Where a particular issue falls within the remit of more than one select committee, OSBP can be asked to decide on the allocation of the issue. OSBP may allocate the issue to a single select committee; suggest more than one select committee jointly look at the matter; suggest OSC looks at the matter; or reserve the matter to itself for consideration. It could also suggest that OSC considers setting up a Task and Finish Group to look into the issue.
- 3.5 OSC can establish time limited Task and Finish Groups (**TFGs**) to carry out policy development in relation to specific matters of interest or concern. TFGs are run as projects with the aim of coming up with solutions that can be easily implemented by Mayor and Cabinet and that are effective and improve residents' lives.
- 3.6 The two business panels (**OSBP** and **Education OSBP**) are responsible for post decision scrutiny. They can choose to examine decisions taken by Mayor and Cabinet (and key decisions taken by Executive Directors under delegation) and they can require the decision maker to reconsider their decision. OSBP is



also responsible for looking at the overall scrutiny work programme, considering what each scrutiny body is doing and ensuring there is no duplication.

### 3.7 The constitution states that:

- **Cross Party working:** When each select committee draws up its work programme it must specifically take into account the views of members of that select committee who are not members of the largest political group. Scrutiny should not be whipped.
- **Executive suggestions:** The Council and the Mayor and Cabinet can request that a select committee researches and/or reports on a matter of concern. The select committee must consider whether the work can be carried out as requested. If it can be accommodated, the select committee will carry out the work. If the committee has reservations about performing the requested work, it will refer the matter to OSBP for decision.
- **Suggestions from individual members:** Any member of a select committee can place an item on the agenda of that select committee for discussion and under the Councillor Call for Action procedure, any member may refer a matter to a select committee or OSBP for consideration, even if they are not a member, provided it is not an excluded matter<sup>1</sup>. In both cases the matter will go on the agenda, but an officer report, whilst helpful, is not a requirement.

## 4. Channels of communication

4.1 It is expected that Scrutiny and Cabinet Members will keep each other informed of their work using both formal and informal channels.

4.2 Formal channels will include:

- Cabinet Members attending scrutiny meetings to present reports/ contribute to the debate
- Scrutiny Members attending Mayor and Cabinet to present scrutiny reports and referrals/contribute to the debate  
(see section below on attendance at meetings)
- Consideration of the Forward Plan of key decisions at every select committee meeting and OSBP meeting
- Formal written reports, referrals and recommendations (and call ins) made by Scrutiny to Mayor and Cabinet and written responses from the Mayor and Cabinet to Scrutiny  
(see section below on referrals and recommendations)
- Regular reports, such as mid-term and end of administration reports, to full council on Scrutiny's work.

---

<sup>1</sup> Excluded matters include (a) planning appeals, licensing appeals and all other areas where a person has an alternative avenue to resolve an issue, through the Council's complaints process; and (b) any matter that is vexatious, that is likely to cause distress, disruption or irritation, without any proper or justified cause.

#### 4.3 Informal channels will include:

- Regular meetings and email or other written correspondence between Scrutiny Chairs and Cabinet Members, as agreed between members
- Liaison at the start of each year so Scrutiny Chairs understand the upcoming priorities and plans of Cabinet Members so this can be reflected in the work programme, if agreed by the committee
- Interaction throughout the year via scheduled All Member Briefings and other briefings.

### 5. Attendance at formal meetings

- 5.1 Mayor and Cabinet meetings and scrutiny meetings are meetings held in public and Cabinet Members are free to attend any scrutiny meeting they wish to attend; and Scrutiny Members can attend any Mayor and Cabinet meeting they wish to attend. It is furthermore expected that if a Cabinet Member wishes to speak at a scrutiny meeting or a Scrutiny Member wishes to speak at a Mayor and Cabinet meeting, the presiding chair will afford them this opportunity. It is also expected that if the Chair of a meeting wishes a particular Cabinet Member or Scrutiny Member to attend and present a report or contribute to the debate they will ensure that a specific invitation is issued.
- 5.2 Under the constitution Cabinet Members can be 'required' to attend scrutiny meetings. The Mayor and Deputy Mayor (in respect of any executive function) and any other Cabinet member (in respect of any executive function within their portfolio) may be required to attend any meeting of the Overview and Scrutiny Committee, or any of its select committees or the Business Panel to give account for Executive action and/or performance. If a member of the Cabinet is being invited to a meeting on this basis, the invitation will specify the relevant constitutional provision to make it clear that attendance is a requirement. The right to require the attendance of members to answer questions includes a right to require a member to attend to answer questions on up and coming decisions as well as decisions taken.

### 6. Scrutiny referrals and recommendations (and Mayoral responses)

- 6.1 Scrutiny can submit reports and recommendations to Mayor and Cabinet in relation to matters it has scrutinised or investigated; and make referrals to Mayor and Cabinet setting out its views on any matter it wishes to refer to them. The content of any reports, recommendations or referrals will be agreed at a formal committee meeting and not by the Chair acting alone afterwards.
- 6.2 The report or referral will be placed on the agenda for the next available meeting of Mayor and Cabinet if so requested. If the relevant Scrutiny Chair wishes to present the report or referral it is expected that they will be granted the opportunity to do so.
- 6.3 It is expected that a response (drafted by the relevant Executive Director) will be agreed at a subsequent Mayor and Cabinet meeting, within 2 months of Mayor and Cabinet receiving the report or referral from scrutiny. The agreed

response will be placed on the agenda for the next available meeting of the scrutiny body in question. If the relevant Cabinet Member wishes to present the response it is expected that they will be granted the opportunity to do so.

- 6.4 Executive decisions (taken by Mayor and Cabinet or taken by a Director under delegated authority) come into effect seven working days after the date the decision is made. OSBP meetings are scheduled to take place shortly after each meeting of Mayor and Cabinet; and the Chair, Vice Chair, any three members of OSBP, or any five members of OSC can request that an executive decision is considered by OSBP.
- 6.5 When a request is made to review a decision the relevant officers are required to attend the meeting to present their reports and answer questions from Scrutiny Members. The relevant Cabinet Member may also attend, and is encouraged to do so, in order that a full explanation for the decision taken can be provided. OSBP has the power to recommend that a decision be reconsidered by the decision maker or reviewed by full Council, which is known as a 'call in'. Once a decision has been selected for consideration by OSBP it cannot be actioned until OSBP has met and agreed not to call it in. If it is called in, it cannot be actioned until the decision has been reconsidered by the decision maker alongside the representations of OSBP, and then, only if the decision is re-affirmed.

## **7. Ethos/Behaviour**

- 7.1 All Elected Members should promote and support high standards of conduct and Executive and Scrutiny Members are expected to engage positively with each other at, and outside of, formal meetings, in line with the code of conduct and the behaviour expected of local councillors.
- 7.2 Scrutiny Members, when engaging with members of the Cabinet at scrutiny meetings will:
- Welcome Cabinet Members to attend their meeting. If attendance by a Cabinet Member is specifically desired, provide an invitation to attend with adequate notice
  - Maintain a positive style of questioning and treat Cabinet Members with respect and courtesy
  - Familiarise themselves with the subject under review prior to engaging with the Cabinet Members
  - Ensure that scrutiny is focussed on having a positive impact for local people
  - Conduct scrutiny investigations fairly and ensure all members of the committee are given the opportunity to ask questions of Cabinet Members and other attendees and to contribute and speak
  - Conduct the investigation so as to maximise the efficiency of the investigation or analysis.

- Be mindful that, where key decisions have been made on the basis of a report with part 1 and part 2 sections, scrutiny relating to the decision must also be conducted in part 1 and part 2, and be aware of commercial and contractual sensitivities.

**7.3 Cabinet Members, when engaging with Scrutiny Members at meetings of Mayor and Cabinet will:**

- Welcome Scrutiny Members to their meeting. If attendance by a Scrutiny Member is specifically desired, provide an invitation to attend with adequate notice
- Maintain a positive style of questioning and treat Scrutiny Members with respect and courtesy
- Familiarise themselves with the subject being discussed prior to engaging with the Scrutiny Members
- Ensure that the engagement remains focussed on having a positive impact for local people
- Provide detailed and timely responses to reports, recommendations and referrals and provide further clarification on points raised by Scrutiny Members if required.

**8. Upholding the protocol**

- 8.1** The Statutory Scrutiny Officer and Monitoring Officer are the responsible officers for overseeing compliance with this Protocol, and ensuring that it is used to support the wider aim of supporting and promoting a positive culture of scrutiny and executive engagement which demonstrates parity of esteem.