



Overview and Scrutiny Business Panel

Scrutiny – Executive Protocol

Date: 22 June 2021

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 proposal to develop a Scrutiny-Executive protocol.

1. Summary

- 1.1. The intention of this item is to provide Members with some information on plans for developing a Scrutiny-Executive Protocol.

2. Recommendation

- 2.1. Members are asked to discuss and note the information provided.

3. The Protocol

- 3.1 The statutory scrutiny guidance which was 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 Developing a protocol will help ensure that there is a framework in place to ensure that debate happens in a constructive, rather than an unhelpful way; and that the outcomes of scrutiny positively benefit the residents of Lewisham. A protocol will help ensure that scrutiny is effective; that conflict is minimised; that there is an ethos of mutual respect between the executive and scrutiny; and that all work undertaken by members is aligned in supporting the corporate strategy and improving outcomes.

- 3.3 Using the statutory guidance as a guide, Members might want Lewisham's protocol to cover the following:

Background – how scrutiny operates at Lewisham.

Aims of the protocol – for example, to ensure scrutiny is independent and effective, to minimise conflict, to maintain an ethos of mutual respect, to align the work of the executive and scrutiny around the corporate strategy.

Scrutiny's work programme – to cover how the work programme is developed with reference to Select Committees, TFGs, OSC and OSBP; the value of pre-decision and post decision scrutiny and how it is carried out; the scheduling of scrutiny meetings; and what the constitution says (including the Executive and others making suggestions for the work programme).

Channels of communication – to cover both informal and formal ways of keeping scrutiny members / the executive informed of what each other is doing.

Attendance at meetings – to cover what the constitution says, member expectations, the attendance of Cabinet Members at scrutiny committees and Scrutiny Members at Mayor & Cabinet.

Ethos/Behaviour – to cover conduct at, and outside of, meetings including what the code of conduct says and member expectations.

Scrutiny referrals and recommendations (and Mayoral responses) – to cover what the constitution says and member expectations.

Upholding the protocol – To set out the role of the Statutory Scrutiny Officer and Monitoring Officer in overseeing compliance with the protocol.

- 3.4 It is suggested that an initial draft is prepared for consideration by scrutiny and executive members. This draft can then be discussed and amended as required.

- 3.5 The guidance suggests that councils should consider how to adopt a protocol, e.g. formal agreement at a scrutiny committee and Cabinet, then formal integration into the Council's constitution via full Council. The proposed Lewisham protocol could be considered at OSBP and Mayor and Cabinet, before final approval at full Council. The protocol would be appended to / referred to in the constitution.

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

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