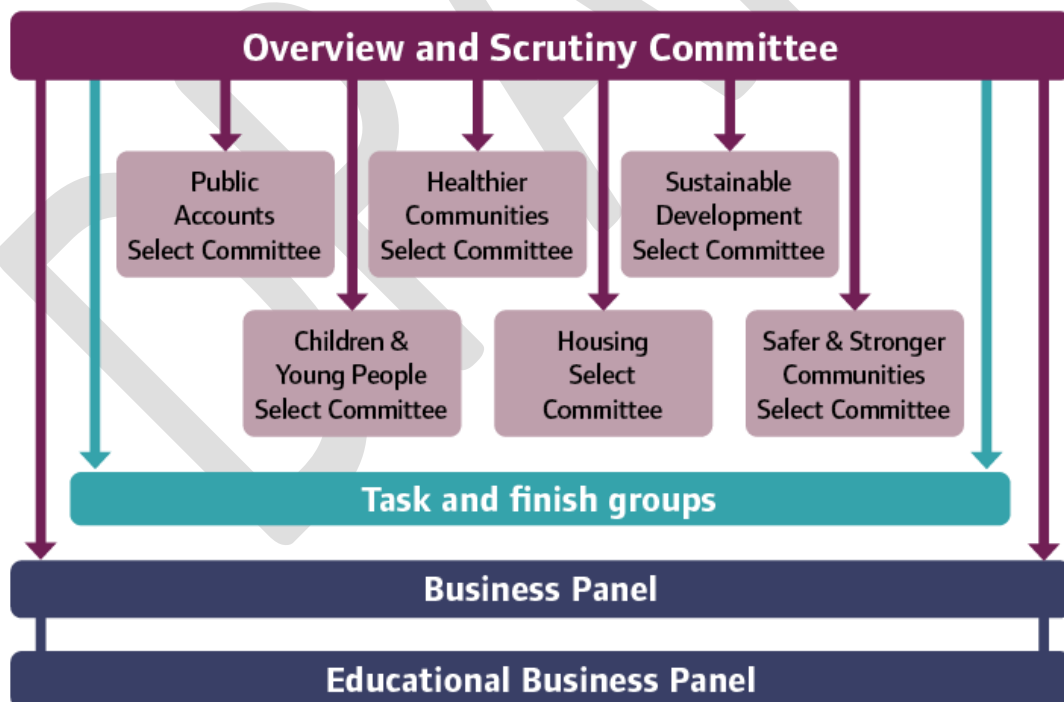


Lewisham Scrutiny Executive Protocol

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 matter¹. 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.

¹ 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.