

Scrutiny and Executive Protocol

The Scrutiny and Executive protocol is a guide for elected Members and other parties outlining the interface between Scrutiny and the Executive and the procedural elements that underpin the relationship. Further information on Scrutiny will be provided in the Scrutiny Handbook. The protocol draws on the relevant sections of the Constitution of Monmouthshire County Council, which can be found on the Council's website at www.monmouthshire.gov.uk

Monmouthshire's Scrutiny Arrangements

Scrutiny will act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Through their work, Scrutiny and Cabinet will agree to operate within the values of the Council: Openness, Teamwork, Flexibility and Fairness. In compliance with S21 Local Government Act 2000 and Paragraphs 8 and 9 of Schedule 1 to the Act, Select Committees will;

- Consider reports and make recommendations to inform and advise the Cabinet or Council or other decision-making bodies on improvements to policies and service delivery.
- Hold the Cabinet to account for decisions, performance, risk management and budget management.
- Enable the public to engage in the work of the Council by holding public meetings to inquire into matters of local concern.

Monmouthshire has four Select Committees, each with distinct terms of reference, which are detailed in Article 6 of the Constitution:

- Children and Young People's Select Committee
- Adults Select Committee
- Economy and Development Select Committee
- Strong Communities Select Committee

General Roles

Within their terms of reference Select Committees will:

1. Review and / or scrutinise (a) decisions or actions taken, (b) policies or processes in connection with the discharge of any of the Council's functions;
2. Make reports and / or recommendations to the Council meeting and /or the Cabinet on the discharge of any of the Council's functions;
3. Consider any matter affecting the area or its inhabitants and make recommendations to any decision making body as appropriate

Specific Functions

Select Committees may:

- 1) Assist the Council in reviewing service delivery and performance through in-depth analysis;
- 2) Review and scrutinise the decisions made by and the performance of the Cabinet and / or Committees and / or other Constitutional Bodies and the Council and / or any Chief Officers both in relation to individual decisions and over time;
- 3) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas
- 4) Conduct research, community and other consultation in the analysis of service or policy issues and possible options;
- 5) Consider and implement mechanisms to encourage and enhance community participation in the development of policy or the improvement of services;
- 6) Question Members of the Cabinet and / or Committees and / or other Constitutional bodies and appropriate Officers about their proposed policies, decisions and performance
- 7) Make recommendations to the Cabinet and / or appropriate Committee and / or other constitutional bodies and / or Council arising from the outcome of the Scrutiny process;
- 8) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance;
- 9) Question and gather evidence from any person outside of the Authority (with their consent).
- 10) Assist the Council and the Cabinet in the review of its budget and policies by in-depth analysis of policy issues;
- 11) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people;

Setting the Work Programme

At the beginning of the Scrutiny year (September), each Select Committee will agree an outline work programme for the year in consultation with the relevant senior Officers and take into account the views of the public and of partner agencies. Topics suggested for Scrutiny should be considered in line with the Scrutiny work programme topic selection criteria, the aim being to identify significant topics that will address a significant concern, will deliver a specific outcome and will add value to the work of the Council.

The most recent version of the Select Committee work programme will be reported to each Select Committee meeting to enable the Committee to review its content and include new items and to define the arrangements required for the next meeting. The updated Scrutiny Forward Work Programme will be presented by the Select Committee Chairs to meetings of the Council's Co-ordinating Board for the purpose

of ensuring the clarity of topics being scrutinised and to avoid potential duplication in efforts. All Scrutiny work programmes will be made publicly available.

Setting the Agenda

Individual agenda items, other than standing items, are to be determined in the first instance by the work programme that is agreed by the relevant Select Committee. The Select Committees agree their work programmes and the decisions to consider additional items or defer planned are made at the discretion of the chair in consultation with the Scrutiny Manager.

The purpose of Scrutiny is to add value to the work of the Council. For this reason any items 'to note' i.e. that do not require a specific response from the Select Committee will be emailed to the Select Committee Members 'For Information', instead of being included on the agenda.

Evidence Gathering

Select Committees are entitled to gather evidence in connection with any review or inquiry they undertake as part of their agreed work plan. The Select Committee shall adopt methods of gathering evidence to inform their deliberations. These include, but are not limited to, task and finish groups, holding enquiries, going on site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. The knowledge of Councillors is also a valuable source of evidence and should be considered as part of each review / inquiry.

Select Committees shall be entitled to pay the reasonable fees and/or expenses of any individual or organisation assisting it, with the exception of Officers or Members of the Authority. Evidence gathering activity should not duplicate any other similar activity being undertaken by the authority or by other local agencies.

Attendance at Select Committees

A large part of evidence gathering will be through witnesses invited to give account directly to the Select Committee. Cabinet Members and Officers will not be expected to attend all Select Committee meetings, however, Select Committees are entitled under s21 of the Local Government Act 2000 to require any Member of the Executive or any Senior Officer to attend before it to give account for any matter within their responsibility or remit, particularly relating to:

- any particular decision
- the extent to which the actions have been taken to implement Council policy
- their performance

and it is the duty of those persons to attend if so required. Where in exceptional circumstances, the Member or Officer is unable to attend on the required date; the

Select Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

When a Select Committee wishes to invite a Cabinet Member, Officer or another individual to a meeting, it will:

- Offer a minimum notice of 2 weeks
- Clearly outline the reason that the individual has been requested to attend and the likely areas upon which they are expected to answer questions
- Identify whether any papers are required to be produced

Where individuals are required to attend before the Select Committee, as in the case of Officers or Members, the Chair shall ensure that those assisting the Select Committee by giving evidence are treated with courtesy and respect.

Witnesses contributing evidence to Select Committees will be provided with feedback and whether further information is required as part of the Scrutiny.

Select Committee Meeting Procedure

Robust Scrutiny depends on effective questioning which relies on effective preparation. The meetings of Select Committees will operate as follows:

- 1) Main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered.
- 2) Prior to the meeting all Select Committee Members should be engaged in raising and discussing possible questions by email. The chair and vice chair of the Committee will facilitate this process.
- 3) A pre-meeting for all Select Committee Members will be held for 30 minutes immediately before the Select Committee meeting. The purpose is to ensure that Members are fully prepared for the Select Committee meeting and that the questioning strategy is clear.
- 4) During the Select Committee meeting, the chair will be responsible for ensuring that questioning is effective and that the Select Committee achieves its objective.
- 5) Officers are invited to attend for their item and shall not be expected to remain at the meeting unless agreed with the Chair.
- 6) At the close of the meeting, witnesses will be asked to leave to enable Select Committee Members to discuss their conclusions any recommendations arising from the meeting. These conclusions and recommendations will be reported to the relevant Cabinet Member(s) in the form of a Chairs' Letter. The session should also be used to review the effectiveness of the meeting and identify ways that future meetings could be improved.

Attending Call-in Meetings

The following arrangements apply to Call-in meetings:

- The Committee will invite the relevant Cabinet Member and/or Officer i.e. (the decision-taker) and any other Senior Officers the Committee considers appropriate to the meeting.
- In line with the Call-in Mechanism outlined in the constitution, the Committee is required to meet within 15 working days of the publication of the decision.
- The Committee will endeavour to offer appropriate notice to witnesses required to attend and will as far as possible ensure the scheduling of the Call-in meeting facilitates their attendance.
- In inviting Officers to attend, the relevant Chief Officer responsible will be consulted as a matter of courtesy.
- Scrutiny Committees welcome the views of additional Officers, however, to ensure consistency, transparency and openness, such Officers should indicate in advance of the agenda despatch (i.e. 3 working days prior to the meeting) that they wish to attend, with reasons for their attendance.
- Additional Officers should advise the Scrutiny Manager that they wish to attend, which will be discussed and agreed with the Chair of the Select Committee. It is the discretion of the Committee to allow such Officers to take part in the meeting.

Responding to Scrutiny's Recommendations

Chairs Letters

Select Committees will agree outcomes of their meetings and detail the conclusions and any recommendations arising from any Select Committee meeting. The Select Committee may recommend amendments to a strategy or policy at their meeting and the Cabinet Member or Officer may accept the amendments at the meeting, which will be formally minuted.

The Chair may also formally raise concerns via a Chairs Letter directed to the relevant Cabinet Member(s) in person after the meeting has closed. In this instance, the Cabinet Member should respond in writing to the Select Committee within one month indicating whether the recommendation needs to be referred and what action (if any) they intend to take.

Task and Finish Group Inquiries

Select Committees may undertake an in-depth review, which will normally take a number of months and be conducted according to an agreed scoping report, the findings being shared publicly in a findings report.

Select Committees will abide by the following principles when conducting in-depth reviews or Task and Finish Group inquiries:

- Involve the Cabinet Member at the commencement / early stages of a review to inform them of the terms of reference of the Task and Finish Group and the lines of inquiry that will be pursued.
- Additional opportunities to involve the Cabinet Member throughout the review if felt appropriate.
- Recommendations will follow logically from conclusions which will be clearly evidenced by reference to the findings of the review. Recommendations should not reflect unsupported personal opinion or political views. At this stage advice will be sought from the relevant Officers about the legal and financial implications of draft recommendations.
- When a review is nearing completion, invite the Cabinet Member to a meeting to discuss preliminary findings and if the Select Committee feels appropriate, test the viability of recommendations they wish to make.
- When a Scrutiny report has been agreed by Members of the Task and Finish Group, convene meeting with Cabinet Member to discuss the report's key findings and recommendations prior to the report being discussed at a public meeting (i.e. Select Committee).

If a Select Committee cannot agree on one single final report to the Executive then up to one minority report may be prepared and submitted for consideration with the majority report.

Once a Select Committee report has been agreed by the appropriate Select Committee, it will be submitted to the relevant Cabinet Member and published on the Council's website.

The report will then be scheduled in the Cabinet Forward Planner to be presented to a meeting of Cabinet within six weeks of it being agreed by the Select Committee.

The Chair of the relevant Select Committee will present the Report and accompanying recommendations to Cabinet. The relevant Cabinet Member will receive the Report on behalf of Cabinet but will not be required to respond to each of the recommendations individually at Cabinet.

Cabinet will be requested to ***“receive the report and consider the key findings and recommendations, responding to the relevant Select Committee within a 3 month period as to whether they accept (in part) or reject (in part) the Committee’s recommendations together with rationale and actions that will be taken”***.

The Cabinet Member is responsible for:

- Meeting with Officers once they have received the Scrutiny report to draft a response to the Select Committee based upon the Cabinet Response Template (detailed in Appendix A).
- After agreeing a draft response with Officers, reporting the draft response to the Cabinet for adoption.
- Forwarding the Cabinet response to the Select Committee (following adoption by the Cabinet) and attending a Select Committee to discuss their response.

Select Committees will be responsible for monitoring progress against the recommendations and ensuring the return of the Cabinet Member to the Select Committee within a defined timescale.

XYZ Task and Finish Group – Cabinet Response			
Scrutiny’s Recommendation	Accept (plus Action)	Partially Accept (plus Rationale and Action)	Reject (plus Rationale)
R1)			
R2)			
R3)			
R4)			
R5)			
R6)			
R7)			

