

Overview and Scrutiny Committee

11 September 2025

Part 1 - Public

Recommendation to Cabinet



Cabinet Member	Cllr Matt Boughton, Leader of the Council
Responsible Officer	Adrian Stanfield, Director of Central Services & Deputy Chief Executive
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Executive/ Scrutiny Protocol

1 Summary and Purpose of Report

- 1.1 The Committee is invited to review the effectiveness of the Executive/ Scrutiny Protocol (attached as Annex 1) to ensure that it remains fit for purpose.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 The proposals in this paper will contribute to the above priority area by ensuring that the scrutiny function is effective in holding the executive to account.

3 Recommendations

- 3.1 Members are requested to **RECOMMEND** to Cabinet that the revised protocol at Annex 1 be approved.

4 Introduction and Background

- 4.1 The Executive/ Scrutiny Protocol was originally introduced in 2022, following a review of the Borough Council's governance arrangements. The Protocol was agreed by Cabinet in September 2022, following earlier consideration by this Committee.
- 4.2 The Protocol was then reviewed by this Committee in September 2023, with some revisions recommended to, and subsequently approved by Cabinet i.e. the formalisation of the process of submitting requests for agenda items to the Chair, and the inclusion within the Protocol of the Local Government Association guidance on the setting of scrutiny work programmes.

4.3 The protocol covers a number of areas, as follows: -

- Core principles
- Development of the scrutiny work programme
- Expectations of the Cabinet
- Expectations of the Overview and Scrutiny Committee
- Call-in
- Compliance with the protocol

4.4 In respect of call-in, Members are asked to note that the protocol predominantly deals with the procedure. Other matters, such as the number of members of the Overview and Scrutiny Committee required to trigger a call-in (5), are dealt with in the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution. These Procedure Rules have not been reviewed in the preparation of this report.

4.5 The Chair of the Overview and Scrutiny Committee has been consulted in the preparation of this report. She has requested that the section of the Protocol dealing with the Scrutiny Work Programme be amended to include reference to IT Strategies within the standing items for consideration. The Protocol has therefore been amended to include this reference.

4.6 Members are invited to consider the remaining areas of the protocol and make such recommendations to Cabinet as they see fit.

5 Other Options

5.1 None considered.

6 Financial and Value for Money Considerations

6.1 None arising from this report.

7 Risk Assessment

7.1 The continued adoption of a protocol between the Executive and Scrutiny assists in defining the relationship between the two within our governance structure. This in turn assists in reducing the risks of disagreement and ensures that the scrutiny function is effective in holding the executive to account.

8 Legal Implications

8.1 In May 2019, the Ministry of Housing, Communities and Local Government issued statutory guidance under the Local Government Act 2000 and the Local

Democracy, Economic Development and Construction Act 2009. Local Authorities must have regard to this guidance when exercising their functions.

8.2 At paragraph 11(d), the guidance states

Managing disagreement – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an ‘executive-scrutiny protocol’ (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

9 Consultation and Communications

- 9.1 The Chair of the Overview and Scrutiny Committee has been consulted in the preparation of this report.

10 Implementation

- 10.1 Any proposals arising from this Committee will be reported to Cabinet in October for approval.

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

- 11.1.1 Limited or low impact on emissions and environment.

- 11.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

11.2 Equalities and Diversity

- 11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annex 1	Revised Executive/ Scrutiny Protocol