

DURHAM COUNTY COUNCIL
PROTOCOL ON EXECUTIVE/OVERVIEW AND SCRUTINY
RELATIONS

1. Introduction

- 1.1 This protocol is designed to support the important relationship cabinet members and chairs and vice chairs of overview and scrutiny committees have. It contains guidance on how to have an effective relationship whilst respecting different constitutional positions, roles or responsibilities.
- 1.2 The aim is to have good communication between the executive and overview and scrutiny which encourages an effective overview and scrutiny function.

2. General principles, values and behaviours

- 2.1 Executive and overview and scrutiny functions should maintain high standards of public accountability and mutual respect. Relations between them should be positive and constructive to secure improvements for the county and its people.
- 2.2 Overview and scrutiny members will work together with executive members in a nonpartisan way and aim to adopt a non-adversarial, supportive but challenging approach to identify improvements.
- 2.3 In seeking agreement to this protocol, it is acknowledged that there are different rights and roles of both overview and scrutiny and executive members. Both are committed to developing an effective relationship.
- 2.4 This will involve but not be limited to:
- An opportunity for open and honest dialogue between executive members and overview and scrutiny members, on a regular basis;
 - Regular discussions about Executive and overview and scrutiny work programmes;

- The important role that O&S can play in in pre-decision scrutiny and policy development and review;
- Establishing effective and formal reporting structures which assist and shape how cabinet respond to recommendations from O&S;
- Respecting the confidential nature of the discussions that may from time to time take place and the sensitive information that is sometimes shared;
- Acknowledgement of the role the SSO/MO play in supporting and promoting a culture where scrutiny is welcomed and encouraged;
- An understanding that in the event of a disagreement or challenge that cannot be worked out informally, reference can be made to the Code of Conduct

2.5 A forum for these can be Exec Non Exec / Policy Group meetings between O&S Chairs and Vice Chairs and Cabinet Members;

3. Attendance at each other's meetings

3.1 The chair, or an appropriate member in their absence of COSMB or other OSC will present reports to Cabinet.

3.2 Executive members may be asked to attend scheduled meetings of COSMB or OSC for matters on the agenda within their portfolio. The wider participation of executive members as witnesses within the overview and scrutiny process will assist to inform debate, to clarify matters of fact and to contribute to the scrutiny process as a whole.

3.3 Executive members will normally be invited to attend any meeting of the Corporate Overview and Scrutiny Management Board at which it is intended to consider a Call-In request in relation to his/her area of responsibility.

3.4 All members will promote an atmosphere of openness at COSMB or OSC meetings. Members will strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between overview and scrutiny members, the portfolio holder and other participants.

- 3.5 All members will be mindful of their Code of conduct training – treating one another with respect, courtesy and trust. The shared aim is to work together to improve the lives of all members of our communities.

4. Supporting Overview and Scrutiny reviews

- 4.1 These are reports with recommendations that have resulted from the work of COSMB or OSC Review Group who will have spent a good deal of time considering background information, witness evidence, and formulating their recommendations.
- 4.2 The Review Group chair or deputy will present the final report at a Cabinet meeting. The Cabinet can expect a report that:
- Has clear, concise recommendations;
 - Identifies potential areas for improvement;
 - Highlights the financial cost of the recommendations and where possible identifies potential sources of funding.
- 4.3 The relevant portfolio holder/s can assist the review in at least three different ways:
1. At the outset of the review, when the Review Group is considering methodology and witnesses to be invited to give evidence;
 2. During the review, when the Portfolio Holder can be invited to give evidence;
 3. At the end of the review, after the Review Group has produced the first draft of the report.
- 4.4 At stages 1. and 3. the Chair of the Review Group is recommended to meet with the portfolio holder and officers:
- To discuss the proposed methodology and sources of evidence for the review and ascertain if the Portfolio Holder has any suggestions to make; and
 - To highlight and examine areas of potential agreement or disagreement in relation to the report's findings and recommendations to ascertain if any areas of disagreement can be resolved at the draft report stage, or identify if any further work needs to be done by the Review Group.
- 4.5 Although this dialogue is encouraged, it is recognised that the COSMB or OSC Review Groups are independent of the

Executive, and as such agreement may not be possible on all the findings and conclusions in the draft report.

5. Planning for Overview and Scrutiny policy development and review role

- 5.1 Overview and scrutiny members recognise the executive's role in taking operational decisions on Executive functions.
- 5.2 The executive recognises overview and scrutiny's role in policy development and review, and that good planning will facilitate this work being both effective and timely.
- 5.3 Individual portfolio holders, officers and the Chair/Vice Chair of COSMB or OSC will meet regularly to identify and plan for policy development and review work based on the Cabinet Forward Plan and other information. If a new policy is under consideration, then care should be taken to allow overview and scrutiny sufficient time to consider and comment on the new policy. The involvement of the portfolio holder at the time of considering the methodology and sources of evidence for this type of review as outlined above is especially important. Examples of how the cabinet member can help – offering advice and guidance.
- 5.4 Alternatively, the Portfolio Holder and the Chair of the COSMB or OSC may decide that both timing and circumstances point towards a pre-decision role for scrutiny i.e. the draft policy which has already been prepared by officers comes to COSMB or OSC for structured scrutiny and wider member discussion and input either at the end or at the start of a wider consultation process.