

**SOUTH KESTEVEN DISTRICT COUNCIL**

**CABINET AND OVERVIEW AND SCRUTINY PROTOCOL**

**1. Introduction**

- 1.1 The Council's Cabinet Procedure Rules and Overview and Scrutiny Committee Procedure Rules, set out in Part 3 of the Constitution, outline the relationship between the Council's Executive (Cabinet and individual Cabinet Members) and its scrutiny function (Overview and Scrutiny Committees).
- 1.2 The purpose of this Protocol is to outline and confirm the principles that will be followed by the Council's Cabinet (either as a body or individual Cabinet Members) and its Overview and Scrutiny Committees. The Protocol will:
  - a) Provide Cabinet Members and Members of Overview and Scrutiny Committees with a clear understanding of their role, responsibilities and powers as part of the Council's scrutiny function
  - b) Confirm the overview and scrutiny framework and procedures to enable scrutiny to work effectively
  - c) Define and clarify the role of Cabinet and individual Cabinet Members in the scrutiny process

**2. Role of Cabinet**

- 2.1 Cabinet, operating the Council's executive function, is at the heart of the day-to-day decision-making process of the Council and has a key role in proposing the budget and policy framework to Full Council.
- 2.2 The Scheme of Delegation for Cabinet is set out in Part 3(b) of the Constitution, with financial thresholds also prescribed in Financial Regulations and Contract Procedure Rules at Part 4 of the Constitution.

**3. Role of Overview and Scrutiny Committees**

- 3.1 The Council's overview and scrutiny function has the following roles and responsibilities which are delivered by Overview and Scrutiny Committees:
  - a) Review and scrutinise the decisions made by, and the performance of, Cabinet, individual Cabinet Members and Council Officers in relation to individual decisions
  - b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas

- c) Question Members of Cabinet, its Committees and appropriate Officers about their decisions and performance targets, over a period of time, or in relation to particular decisions, initiatives or projects
- d) Question and gather evidence from any person, with their consent
- e) Make recommendations to Cabinet or any other appropriate body of the Council, including Full Council, arising from the outcome of the overview and scrutiny process
- f) Review and scrutinise the performance of other appropriate public service bodies in the area and invite reports from them by requesting them to address the relevant Overview and Scrutiny Committee and local people about their activities and performance
- g) Consider any matter affecting the area or its residents and exercise the right of Call-In for reconsideration of decisions made by Cabinet, its Committees, individual Cabinet Members or Officers that have not been implemented
- h) Consider Councillor Calls for Action
- i) Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the Committee considers appropriate but not less than once in every twelve-month period
- j) Assist the Council and Cabinet in the development of its Budget and Policy Framework through in-depth analysis of policy issues
- k) Conduct research, community and other consultation in the analysis of policy issues and possible options
- l) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- m) Question Cabinet Members about their views on policy proposals and receive advice and information from Officers
- n) Liaise with other external organisations operating in the area whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working

3.2 The terms of reference for each specific Overview and Scrutiny Committee, clarifying the service areas that fall under their respective remits, are outlined in the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.

#### **4. Relationship between Cabinet and Overview and Scrutiny**

4.1 The following principles set out how the working relationship between Cabinet and Overview and Scrutiny Committees should operate:

- a) Cabinet Members and Members of Overview and Scrutiny Committees recognise that the bodies they sit on and roles they have consist of different functions and responsibilities which contribute to securing the best outcomes for people who live and work in South Kesteven
- b) Cabinet Members cannot be Members of Overview and Scrutiny Committees
- c) All participation in the working relationship between Cabinet and Overview and Scrutiny Committees will follow the spirit of mutual respect, constructive challenge and the principles outlined in the Councillor Code of Conduct and Councillor/Officer Relations Protocol as set out in the Council's Constitution
- d) Whilst the membership of Overview and Scrutiny Committees reflect the Council's political proportionality, their meetings should reflect the statutory guidance that scrutiny work be conducted in a non-party political manner
- e) Overview and Scrutiny Committees are able, as non-executive Members, to hold Cabinet to account as one of their principal responsibilities, which could be done through:
  - Challenging Cabinet or individual Cabinet Members about decisions which have been taken
  - Consider performance or financial information
  - Request information about items which are set out in the Cabinet Forward Plan
- f) Cabinet recognises that Overview and Scrutiny Committees have a number of rights, such as requiring the attendance of Cabinet Members at meetings, and the Overview and Scrutiny Committees will exercise those rights responsibly
- g) Cabinet recognises that Members of Overview and Scrutiny Committees have additional rights of access to documents, as prescribed in the Access to Information Procedure Rules at Part 4 of the Constitution
- h) The Leader of the Council will attend a meeting of the Overview and Scrutiny Committees at least every six months to provide an update on delivery against the objectives of the Council's Corporate Plan.

- i) Overview and Scrutiny Committees will ensure that Cabinet Members have the ability to make any announcements at their meetings.
- j) Cabinet will ensure that Overview and Scrutiny Committees have the ability to present reports and submit recommendations at its meetings.

## **5. Conduct of Meetings**

5.1 Meetings of Overview and Scrutiny Committees will be conducted as follows in support of the principles set out in paragraph 4 above:

- a) All formal meetings of Overview and Scrutiny Committees will be held in accordance with Council Procedure Rules, Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution
- b) Each Overview and Scrutiny Committee may request Cabinet Members to attend their meetings to present reports, discuss issues of concern or answer questions. At least five working days' notice and an indication of the business being conducted and the expected focus of questioning will be provided to any Cabinet Member requested to attend a meeting for this purpose
- c) Cabinet Members requested to attend meetings of an Overview and Scrutiny Committee have the right to be accompanied by the relevant Officer to assist with explaining complex or technical information
- d) Cabinet Members have the right to attend and speak at any Overview and Scrutiny Committee relevant to their area of responsibility

5.2 Meetings of Cabinet will be conducted as follows in support of the principles set out in paragraph 4 above:

- a) All formal meetings of Cabinet will be held in accordance with Cabinet Procedure Rules and Access to Information Procedure Rules
- b) The Chairman of the relevant Overview and Scrutiny Committee, or Vice-Chairman in their absence, will be entitled to speak before debate on any report relevant to their Committee
- c) All reports to Cabinet on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with the relevant Overview and Scrutiny Committee, together with the outcome of that consultation

## **6. Overview and Scrutiny Committee Work Programming**

- 6.1 Work programmes for Overview and Scrutiny Committees should outline the items of business scheduled for consideration by each Committee for the municipal year, based on their respective terms of reference.
- 6.2 The work programme for each Overview and Scrutiny Committee should be developed at the commencement of the municipal year and considered at each subsequent meeting. This could include key decisions scheduled for consideration by Cabinet listed on its Forward Plan, performance information, financial information, items relating to delivery of corporate objectives set out in the Corporate Plan or other items put forward for consideration.
- 6.3 Cabinet Members can suggest items for inclusion in an Overview and Scrutiny Committee work programme, however, they should not seek to try and exercise control over the work of the Committee. It is ultimately for Overview and Scrutiny Committees to determine whether to include suggestions in their respective work programmes.
- 6.4 Overview and Scrutiny Committees will endeavour to deliver their work programmes, once agreed, however, it is recognised that there needs to be sufficient flexibility to accommodate urgent, short term or emerging priorities which may arise during the municipal year.

## **7. Scrutiny Reviews**

- 7.1 Overview and Scrutiny Committees can undertake in-depth scrutiny reviews as and when deemed necessary. This can be facilitated through a Task and Finish Group, or by the whole Committee depending on the nature of the subject under review.
- 7.2 Upon conclusion of a Scrutiny Review, the final report will be presented to the Overview and Scrutiny Committee where recommendations will be agreed and submitted to Cabinet for consideration. The Chairman of the relevant Task and Finish Group or Overview and Scrutiny Committee will present the findings and recommendations of the Scrutiny Review to the next scheduled meeting of Cabinet.
- 7.3 Cabinet will confirm its response to the recommendations, outlining those which will be accepted and implemented, together with reasons for any recommendations not taken forward. Cabinet may delegate this response to the individual Cabinet Member and request that they provide a report back to the Overview and Scrutiny Committee.
- 7.4 The Overview and Scrutiny Committee has a duty to monitor progress of implemented recommendations and may therefore request the relevant Cabinet Member attends a future meeting of the Committee.

## **8. Compliance with this Protocol**

- 8.1 The Council's Monitoring Officer is responsible for overseeing compliance with this Cabinet and Overview and Scrutiny Protocol, ensuring that it is used to support and promote a positive culture of overview and scrutiny at South Kesteven District Council.