

**TASK AND FINISH WORKING GROUP: CABINET/SCRUTINY PROTOCOL****Report of the Task and Finish Working Group****1. Purpose of Report**

- 1.1 The purpose of the report is to present the findings of the task and finish working group established to develop a cabinet/scrutiny protocol.

**2. Background**

- 2.1 A review of the Council's scrutiny arrangements was commissioned to develop a clear and shared understanding on the role, purpose and objectives of scrutiny in Sunderland.
- 2.2 The Independent Review was conducted by the Centre for Governance and Scrutiny (CFGs), engaging with all political parties and key officers before finalising their report with recommendations.
- 2.3 One of the recommendations was around strengthening the commitment from the executive to work with and actively support scrutiny's role, in particular through the development of a Cabinet-Scrutiny protocol.

***Context to the Working Group***

- 2.4 The statutory guidance published on scrutiny, produced by Ministry of Housing, Communities and Local Government (now known as Department for Levelling Up, Housing and Communities) in May 2019 suggested that councils agreed protocol between the executive and scrutiny to set out how relationships will work.
- 2.5 Centre for Governance and Scrutiny (CfGS) also note that this should not be about identifying a generic protocol and applying it to the local situation; such efforts will probably not yield results. In their experience the value in protocols between scrutiny and the executive lies in the conversations that need to precede them, rather than the end result.
- 2.6 CfGS in their review findings on scrutiny in Sunderland also highlighted that a Cabinet-Scrutiny protocol should deal with the practical workings of scrutiny as well as ensuring that mutual expectations are understood and managed well. The CfGS also suggested that it might be useful for feedback on scrutiny recommendations to be formalised within the protocol, in order for the scrutiny committees to be able to monitor the progress of their output/recommendations. Ultimately, the purpose of the Cabinet-Scrutiny protocol is to support the council, as a corporate entity, in promoting a spirit of "parity of esteem" between scrutiny and the executive.

**3. The Aim and Terms of Reference of the Working Group**

- 3.1 The working group was established with the specific aim looking at the development and application of a Cabinet-Scrutiny protocol as part of the implementation of the recommendations from the Review of Scrutiny in Sunderland conducted by the Centre for Governance and Scrutiny.

3.2 The working group consisted of Cllrs James Doyle, Paul Edgeworth, Antony Mullen, Pat Smith and Dianne Snowdon; the group selected Cllr Mullen as the Chair.

3.2 The following Terms of Reference for the working group were agreed:-

- (a) To consider the aim and purpose of a Cabinet-Scrutiny protocol and what it should contain to achieve these aims:
- (b) To assess examples of current Cabinet-Scrutiny protocols employed by local authorities;
- (c) To involve relevant cabinet member(s) in discussions to establish mutual objectives within the protocol.

#### **4. Drafting the Protocol**

4.1 The task and finish working group gathered evidence from a number of sources and this was coordinated, on behalf of Members, by the scrutiny officer. Members gathered evidence from the following:

- Desktop research;
- Cabinet Secretary;
- Deputy Leader;
- Assistant Head of Law and Governance.

4.2 Attached for Members information at **Appendix 1** is the draft Cabinet/Scrutiny Protocol developed by the working group. The protocol covers a number of issues relating to the relationship between Cabinet and Scrutiny Committees. Some of the key areas covered include:

- Relationships
- Attendance and Expectations
- Pre-Meetings
- Managing Disagreements.

4.3 The intention is that the protocol will provide a framework to further develop good working relationships between Cabinet and Scrutiny to further enhance the work of both.

#### **5. Next Steps**

5.1 Following discussion and agreement on the draft Cabinet/Scrutiny Protocol by the Scrutiny Coordinating Committee it will be submitted to Cabinet for discussion and comment.

5.2 At this point should Cabinet be satisfied with the protocol as presented then this will be adopted for future working and included in the Scrutiny Handbook for Member reference. If there are any comments from Cabinet these would be brought back to the Scrutiny Coordinating Committee for consideration and any revisions made as appropriate to produce a final draft. The final draft protocol would then be submitted back to Cabinet for agreement.

## **6. Recommendations**

- 6.1 That the Scrutiny Coordinating Committee discuss and following any amendments agree the draft Cabinet/Scrutiny Protocol.
- 6.2 That Members agree to the submission of the draft Cabinet/Scrutiny Protocol to Cabinet.

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