

SUNDERLAND CITY COUNCIL

DRAFT CABINET/SCRUTINY PROTOCOL

AIM OF THE PROTOCOL

The protocol aims to clarify the relationship between the Cabinet and the Overview & Scrutiny function in Sunderland, to ensure the efficient conduct of business and effective communication between Scrutiny and Cabinet Members. The protocol will promote good working relationships between Scrutiny and Cabinet and will be a guide for use by all elected Members.

The protocol will form part of the Overview and Scrutiny Handbook which remains a valuable resource for Members and Officers in relation to the Scrutiny function in Sunderland. The Protocol will also align, where required, with the Council's Constitution.

RELATIONSHIPS

To ensure and foster good relations between Scrutiny and Cabinet; the Leader of the Council, Chair of the Scrutiny Coordinating Committee, Chief Executive and the Assistant Head of Law and Governance will meet on a quarterly basis to discuss issues of mutual interest.

Scrutiny Chairs and relevant Cabinet Members can also meet informally to discuss specific concerns, issues or agenda items. This will be arranged through the relevant Scrutiny Officer.

The working relationship between Cabinet and Scrutiny will be conducted under an ethos of mutual respect and constructive challenge at all times.

ATTENDANCE AND EXPECTATIONS

The Leader of the Council and Cabinet Members will have a standing bi-annual invitation to attend the relevant Scrutiny Committee aligned to their portfolio to discuss performance issues and provide a general update on their portfolio. This will be programmed into the scrutiny committee work programmes and the relevant Scrutiny Chair and Scrutiny Officer will liaise with the Cabinet Member prior to attendance.

Where specific concerns arise outside the six-monthly meeting and a Scrutiny Committee would like the relevant Cabinet Member to attend, a specific invitation will be provided from the relevant Scrutiny Chair via the relevant Scrutiny Officer.

Cabinet Members may wish to attend a Scrutiny Committee meeting in relation to a particular matter that they feel they may usefully contribute information to the Committee to inform its considerations. This could also include, when relevant, requesting the views of Scrutiny before a decision is taken. Cabinet Members would liaise with the relevant Scrutiny Chair and/or Scrutiny Officer, seeking an invitation from the Scrutiny Chair to attend.

Cabinet Members may also wish the relevant Chief Officer or their representative to attend in order to provide a full response to the Scrutiny Committee. The relevant Scrutiny Chair should be notified of this intention, and this will be followed up with an invitation for the officer to attend.

In all instances of an invitation to attend, Scrutiny Committees will ensure that:

- A sufficient period of notice is given in all invitations.

- A clear explanation is provided for the reason of attendance and the likely areas upon which they are expected to answer questions.
- Details are provided on the information that is required to be included in any associated papers that are circulated prior to the meeting.

PRE-MEETINGS

Pre-meetings should provide an opportunity for committee members to discuss the forthcoming agenda items. They will be utilised to assist in defining and clarifying the focus of those potential questions that will best meet the specific objectives and outcomes required by the committee. This will also determine if specific Cabinet Members are required to attend and the reasons for their attendance.

Pre-meetings should take place as soon as is practicable once the agenda has been published.

Pre-meetings may not always require the full involvement of the Committee, and this is left at the discretion of the relevant Scrutiny Committee Chair.

Pre-meetings can be conducted virtually or in-person and is left at the discretion of each committee and Chair if an all-Committee Member pre-meeting is required.

WORK PROGRAMMING

At the start of each Municipal Year, Scrutiny will hold a work planning session and Cabinet Members will be invited to attend and contribute to this annual event. Scrutiny Members will hold a constructive dialogue with Cabinet Members in relation to the delivery of priorities in the City Plan that are relevant to each committee's remit, areas of potential policy development and any other issues where it may be beneficial for Scrutiny to be involved.

Senior officers of the Council, key stakeholders, and partners will also be invited to attend annual work planning sessions.

It should be noted that the final scheduling and agreement of the work programme remains with the relevant Scrutiny Committee.

ACCESS TO INFORMATION

In addition to their rights as councillors, members of a Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution

Statutory Overview and Scrutiny guidance advises that Scrutiny Members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk.

The guidance also states that each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members. For instances where it is legitimate for Cabinet to withhold information Regulation 17(4) - Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision. The guidance also states before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

CALL-IN

The Chair of the Scrutiny Coordinating Committee or any seven members of Council have the power to call-in an executive decision that has been made and not yet implemented. The request for a call-in should be made to the Assistant Director of Law and Governance. Those members requesting a call-in should explain the reasons for the call in and why they consider that the principles of good decision-making outlined in Article 13 of the Constitution have not been satisfied. It should only be used in exceptional circumstances.

The full Call-In procedure is set out in the constitution - Overview and Scrutiny Procedure Rules Part 4 Section 5.

The relevant Cabinet Member will also be invited to attend the meeting of the Scrutiny Coordinating Committee held to call in the decision and given the opportunity to make comments they would like the Scrutiny Committee to consider. The representations of the Cabinet Member will be in addition to any presentations given by the relevant Senior Officer(s) responsible for the service that is subject to the call-in.

POLICY REVIEWS

Evidence gathering from Cabinet Members will be built into the terms of reference for all policy review and task and finish work. Therefore, when Scrutiny Committees conduct policy review or task and finish work the Scrutiny Officer will invite the relevant Cabinet Member, on behalf of the Scrutiny Committee, to attend a meeting. This will ensure that any issues, concerns or information that the Cabinet Member would consider to be important are considered as part of the work that the Scrutiny Committee is undertaking. Cabinet Members may also seek the views of Scrutiny Committees in terms of policy development and implementation.

MANAGING DISAGREEMENTS

This protocol should ensure that scrutiny recommendations to Cabinet, take account of Cabinet Members' position on issues under review and facilitate Cabinet support for proposed recommendations. However, there may be instances where Cabinet may disagree with Scrutiny's findings or recommendations.

Disagreements in relation to Scrutiny reviews should become apparent at the draft reporting stage and provision should be made for the relevant Scrutiny Chair and Cabinet Member(s) to discuss these disagreements and seek a resolution that is agreeable to both parties.

Where it is not possible to find a consensus, and Cabinet is unable to support a particular recommendation or finding, then a full and clear response outlining Cabinet's reasoning should be provided to the relevant Scrutiny Committee.

COMPLIANCE WITH THE PROTOCOL

The Assistant Head of Law and Governance will have responsibility for overseeing compliance with the protocol, as well as ensuring it is used to support and promote scrutiny across the council. The effectiveness of the protocol will be reported to full Council through the scrutiny annual report.