

**SCRUTINY – HOLDING THE EXECUTIVE TO ACCOUNT
(Report by Head of Administration)**

1. INTRODUCTION

- 1.1 A fundamental element of the role of the Overview and Scrutiny Panels is the holding of the Executive to account for its decisions. In the context of the Council's constitution, the Executive includes the Cabinet, the Leader and individual Portfolio holders, together with officers when taking decisions delegated by the Cabinet.
- 1.2 To ensure that the necessary checks and balances are in place to offset the concentration of responsibility for decision making with the Executive, the Constitution makes provision for the Overview and Scrutiny Panels to scrutinise the activities of the Executive at various points in the decision making process. At recent meetings however, the Panels have queried the effectiveness of their scrutiny, particularly in their assessment of the content of the Council's Forward Plan. The purpose of this report is therefore to remind the Panels of the powers and opportunities available to them and to suggest a system for a more formalised consideration of the content of the Forward Plan.

2. INFORMATION

- 2.1 Information on subjects to be considered and decisions taken by the Executive are available to the Overview and Scrutiny Panels and to the Members in a variety of ways –
- ◆ Forward Plan of key decisions to be taken by the Executive in the ensuing four months;
 - ◆ Agenda for meetings of Cabinet available five days prior to meeting;
 - ◆ Notice of all decisions to be made by individual Portfolio holders and key decisions to be taken by officers five days prior to decision;
 - ◆ Consent of relevant Overview and Scrutiny Panel Chairman required for consideration of any decision by Cabinet or Portfolio holder or key decision by officer if five days notice cannot be given;
 - ◆ Record of all decisions made by Cabinet and a Portfolio holder and key decisions by an officer sent to Overview and Scrutiny Panel Members;
 - ◆ Minutes of meetings of Cabinet;
 - ◆ Decision Digest of all decisions taken by Council, Panels etc produced monthly.

3. PRE-DECISION SCRUTINY

- 3.1 The most significant document in this respect is the Forward Plan which must be produced monthly containing key decisions to be considered by the Executive in the ensuing four months. The plan

has to be produced 14 days before the commencement of the start of the plan period. Each plan is therefore available to Overview and Scrutiny Panel Members some 2-3 weeks before it appears on their monthly meeting agenda. The concern of Members over their effectiveness in scrutinising the plan's content can be summarised as follows –

- ◆ the title of the key decision sometimes is inadequate to identify the subject area with sufficient clarity;
- ◆ absence of reference to background reports;
- ◆ inclusion of items in the plan for the first time in month 1;
- ◆ insufficient time to discuss reports and/or invite Portfolio holder or senior officer to a Panel meeting before the Cabinet meets.

3.2 In the light of experience and Member comment, items now appearing for the first time in a Forward Plan are shown in bold type and the relevant Overview and Scrutiny Panel is shown for each key decision. In addition, officers have been asked to be more descriptive in the wording of each key decision and to refer to any background reports or information that are available at the time of the plan publication. With new software, it should also be possible to include hyperlinks from the Forward Plan to those background reports that are available.

3.3 In practice, if a Member is interested in an Overview and Scrutiny Panel discussing any particular decision that appears on the Forward Plan, he can, following receipt of the plan -

- ◆ seek further information from the relevant Portfolio holder or officer named in the plan;
- ◆ ask for copies of background documents where relevant;
- ◆ ask for an item to be included on the agenda for the next Panel meeting to enable a subject to be discussed prior to the Cabinet meeting.

3.4 In order to help formalise arrangements, the Panels may also wish to consider the adoption of the following procedure for their meetings in respect of individual key decisions appearing in the plan –

Month 1

The Panel identifies any key decision of interest to them in months 3 and 4 of the plan and allocates a lead Member to enquire about the availability of draft reports etc

Month 2

The nominated lead Member follows up those enquiries and reports the outcome to the ensuing Panel meeting. The Panel considers whether this is a matter which they wish to pursue further and decide whether to seek further information, ask others for comment, commission independent advice etc. This may or may not be undertaken by the Lead Member. The Panel also decides whether to

request the Portfolio holder and/or relevant senior officer to attend their next meeting and to review the report to be considered by the Executive if this is available.

Month 3

Where appropriate the Portfolio holder and/or relevant senior officer attend the Panel meeting and in the light of the information presented, the Panel decides whether to submit recommendations/observations to the Executive for consideration when the decision is to be made. The Panel may also consider whether it wishes to call-in the decision if the Executive does not concur with its recommendations. If so, the Panel may identify the requisite three members for that purpose.

4. POST-DECISION SCRUTINY

- 4.1 After any decision has been taken by the Cabinet or a Portfolio holder and any key decision has been taken by an officer, a record of the decision will be circulated by the Democratic Services Section to all Overview and Scrutiny Panel Members within three working days. The decision may not be implemented for a further five working days during which it may be called in by any three Members of the relevant Overview and Scrutiny Panel. The process is undertaken electronically for all Members on line. When a decision has been called in, a meeting of the relevant Panel should be held within a further seven working days to decide whether to refer the matter back to the decision taker or onwards to full Council.

5. DECISION DIGEST

- 5.1 The purpose of the Decision Digest is both to keep all Members of the Council informed about decisions taken during the previous month and to provide an opportunity for the Overview and Scrutiny Panels to review decisions taken by the Executive. Albeit retrospectively, the Panels can agree to require a Portfolio holder or senior officer to attend a future meeting to explain why a particular decision has been taken, how it will be implemented and how its effects will be monitored and assessed.

6. OTHER MEMBERS

- 6.1 Scrutiny is not restricted solely to the Overview and Scrutiny Panels. Other non-Panel Members have access to the information referred to above (other than the records of decisions) and may
- ◆ ask for an item to be included on an Overview and Scrutiny Panel Agenda;
 - ◆ speak at that meeting with the Chairman's consent;
 - ◆ be appointed to sub-panels established by an Overview and Scrutiny Panel to assist them in their work.

