



# **BRIDGEND COUNTY BOROUGH COUNCIL SCRUTINY PROTOCOL**

**A Protocol between Scrutiny Members, the Executive  
and Corporate Management Board**



This Scrutiny protocol is an agreement between Members and Officers (including the Executive and Corporate Management Board) which provides a commitment to the Council's Overview and Scrutiny function and arrangements to ensure it operates effectively and to the highest possible standard.

This protocol sets out the agreed values and principles of scrutiny for the Council as well as methods for successful engagement and information sharing in order to achieve a collaborative and professional scrutiny process that adds tangible value and assists the Council in achieving its objectives.

The protocol also emphasises appropriate methods of conduct for all parties and how to overcome disputes should they arise.

In adopting the provisions set out in this Scrutiny Protocol, all parties will ensure it is committed to ensuring a positive scrutiny culture that that is impartial, respectful and is focused on driving improvement for the benefit of the public and our communities.

### **Definition of Scrutiny**

Scrutiny is a non-political, constructive method of influencing the decisions and policies of the Council and ensuring they are sound, fit for purpose and in the best interests of the public. It provides a platform for positive collaboration between the Executive and all other Members in order to achieve improvement in services, whilst at the same time delivering the accountability and transparency that is so vital in the Council's decision making-process.

### **1. Principles**

#### **1.1 Outcome and Improvement focused**

Effective Scrutiny is the responsibility of the whole Council. It is most effective when it is focused and seeks to achieve clear outcomes, where its forward work programme and activities are outcome driven.

Scrutiny drives improvement and needs to act and be seen as a **‘critical friend,’** identifying where decisions could be improved and how to prevent mistakes being made or repeated. Scrutiny is about challenging the accepted ways of doing things and acting as a champion for developing a culture of improvement in the local area.

Overview and scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. It is recognised that the most influential and positive method of Scrutiny is **pre-decision scrutiny**. Through engagement and work programming activity pre-decision scrutiny can:

- **challenge assumptions and make evidence gathering more robust** - scrutiny can gather evidence and look at projections relating to the impact of the decision – financial, social, economic, environmental – and consider whether those projections and assumptions are objectively justified;
- **develop realistic plans and targets** – scrutiny can help to develop challenging but realistic targets that will be impartial and focused on outcomes rather than output;
- **secure ownership and buy-in to the final decision** – engaging with scrutiny will help the executive to understand the expectations of the wider group of elected councillors and, by extension, the expectations of residents;
- **engage with and satisfy the public** – scrutiny can help the council to understand local needs, through public engagement led by councillors in their community leadership role.

### 1.2 Strategically aligned – ‘One Council’

To achieve maximum impact from its outcomes, scrutiny must recognise that its activities and FWP should be strategically aligned with that of the whole Council. While the executive should not direct scrutiny’s priorities, scrutiny work will need to reflect at least some of the executive’s priorities in order to ensure that it is adding value.

In order to prioritise items in the Scrutiny Forward Work Programme, Scrutiny Members, the Executive and Senior Officers must take into account:

- **Methods** – the various tools and methods that scrutiny can employ to carry out its work. Choices here can influence prioritisation (and vice versa);
- **Timing** – the right moment for scrutiny will differ from subject to subject and will depend on the topic and the stage it is at. It is vital that this is considered to prevent any time wasted by the Scrutiny Committee, Officers and the Executive and to ensure that when items do come before Scrutiny, there is the opportunity for value to added from the time and effort given by all.

An effective scrutiny work programme will look to incorporate a range of methods and timings.

### 1.3 Realistic

Having realistic expectations applies to all those involved in the scrutiny process in:

- **Topic choice** – Any chosen topic needs to be one the committee can realistically influence. The Scrutiny criteria attached to this protocol can assist with this and ensure that topics are not too broad, too narrow (such as a ward related issue) and something that the Committee can have a direct and positive influence over.
- **Methods** – All involved in the Scrutiny process must be realistic about what is achievable within the resources available – whether this be the capacity of the Scrutiny Committee, Scrutiny Officer, or the relevant Service Area Officers;
- **Developing realistic plans and targets** – pre-decision scrutiny can help to impartially develop challenging targets that will focus on outcomes (the results of activities) rather than outputs (the activities themselves that help achieve the outcomes). However, whilst an important part of the scrutiny role is providing challenge, Members need to be aware that any targets need to be realistic and practical. To be effective, both sides require the humility to listen and understand in order to collaboratively develop achievable outcomes;
- **Developing Recommendations** – All recommendations should be evidence based and realistic and have account for the financial requirements;
- **Developing the Council's Budget** – A joint understanding of the expectations relating to the budget are paramount, both in terms of Scrutiny Members being realistic about what budget constraints there are and what is actually achievable, as well as realistic expectations placed on Scrutiny Members in their consideration of the budget. Scrutiny Members should trust the information presented to them and understand that the Executive may sometimes have additional information due to their specific roles and responsibilities. Good budget scrutiny recognises the importance of engagement throughout, giving the Scrutiny Members the opportunity to influence changes. It should not, however be used as a method for producing an alternative budget.

### 1.4 Non-political

Scrutiny membership comes from Elected Members whose insights are a fundamental to review decisions which can be politically contentious. However, **the focus should be on forward thinking and enabling positive outcomes for the residents of Bridgend.** Effective scrutiny should not apportion blame and should not be a forum for political point-scoring.

Formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers. Scrutiny members from all Groups should **adopt an independent mind-set** to ensure they carry out their scrutiny role effectively.

### 1.5 Clear purpose and Objectives

The purpose of scrutiny is to provide **recommendations for improvement**, so it is important to be clear what the outcome of any item should be. Scrutiny therefore has to

have **clearly defined objectives** from the point they set the items on their FWP. Clear objectives also ensures witnesses can be fully prepared for attending the meeting.

### 1.5.1 FWP

- It is the responsibility of the Committee to be clear about why topics have been chosen for their FWP and demonstrate, as highlighted above, how they are aligned with the Council's priorities.
- There may be instances where the Cabinet might request scrutiny input on an item, as a form of pre-decision, for example. Again, it is the responsibility of Cabinet to provide evidence of the rationale behind such suggestion, with a clear purpose defined in these requests to enable Scrutiny Members to make an informed decision on whether to add the item to their FWP.
- Scrutiny Chairs, Cabinet Members and CMB have the responsibility of attending FWP planning meeting. These meetings provide a vital role in ensuring the effectiveness of scrutiny as they enable conversations over detail of the FWP, clarifying the exact purpose and information required for each item.
- In order to achieve the best from each Committee meeting, and reduce the need for additional information requests, Cabinet and Officers should ensure that draft reports are received by the scrutiny team in accordance with the report approval schedule. This will ensure that the information contained within the report meets the needs of the Committee in order that they can achieve their intended outcome.

### 1.5.2 Pre-meetings

Pre-meetings should be attended by all Scrutiny members so that the Committee can agree and define their focus and overall objectives for the meeting and what they expect to achieve as outcomes. It is also essential to enable the Chair to plan and run the meeting effectively and efficiently.

### 1.5.3 Committee meetings

It is agreed that good planning and objective setting can assist during a Committee meeting in the following ways:

- Targeted Questioning – enabling Scrutiny Members to work towards a common target in their questioning;
- Summing Up - Discussions can then be easily summarised at the end of the meeting and in the minutes, with a focus on actions, post-meeting communication and follow-up work;
- Conclusions and Recommendations - Findings and conclusions can be more easily converted into clear, concrete recommendations at the meeting.

## **2. Behaviours, values and meeting conduct**

**2.1** In order for Scrutiny to be effective and focused it must be conducted constructively and respectfully and foster positive working relationships with all participants involved.

Constructive, professional relationships require continued communication between Scrutiny Members, the Council's Executive, Officers, and partners.

**2.2** Distinct and defined roles are important to ensure its success and those involved in the Scrutiny process must be mindful of this at all times:

- The Executive should not influence the work of the scrutiny committee;
- The Chair of the scrutiny committee should determine the nature and extent of an Executive member's participation in a scrutiny meeting;
- Scrutiny Members should always act impartial regardless of their political affiliation.
- All Scrutiny Members, the Executive and Officers should approach scrutiny as a 'critical friend' not a de facto 'opposition';
- Any measures to change or strengthen the operation of overview and scrutiny should be considered by all Members. The Executive or senior officers cannot unilaterally change scrutiny's processes.

### **2.3 Personal and Collective Responsibility**

The organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails. Creating a strong organisational culture supports scrutiny work that can add real value. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

There must be a willingness to work with scrutiny as an equal partner – to engage at a meaningful time, to provide it with all relevant information and to properly consider any recommendations.

There needs to be a recognition that there is a collective responsibility to make scrutiny work.

### **2.4 The Role of the Chair**

The Chair of a scrutiny committee should seek to provide, through strong leadership, a good environment for the constructive challenge of decision-makers. They should foster discussion and encourage all concerned stakeholders to be involved in the process, while ensuring that all opinions are expressed in a constructive manner that contributes to the intended outcomes of the process.

Statutory guidance says the chair should possess the ability to lead and build a sense of teamwork and consensus among committee members.

The chair is also responsible for ensuring that the scrutiny process – within and outside the context of formal committee meetings – is managed in a way that creates a fair and balanced environment, keeping the scrutiny process free from political influence and allowing for the effective scrutiny of all evidence that is produced.

The chair also has a role in ensuring that the constitution, including the member code of conduct and committee procedure rules are complied with.

### **2.5 Timekeeping**

Ultimately it is the Scrutiny Chair's responsibility to manage the agenda in a committee meeting, ensuring the debate remains focused, on track and to time. Preparation is key to ensuring that the time available is used in the most effective manner. Pre-meetings are a useful preparation tool to decide how to conduct the questioning.

In order to keep to time in meetings, Members and Officers should also prioritise and plan any information they need to prepare or read before meetings in order that they can participate fully in the discussion.

In addition, Officers should only provide a short briefing with the key information and detail provided within the report, allowing more time to be spent on analysis and discussion. This is supported by the commitment identified above that the Committee identify a clear and accurate purpose for each item and Officers provide early drafts of reports to the Scrutiny team to ensure the information contained therein fits the needs of the Committee.

Scrutiny Members, the Executive and Senior Officers also have a joint role in ensuring; questions and answers are targeted, appropriate and succinct; Scrutiny meetings are not used as a platform for political statements.

### **2.6 Managing Disagreement**

Effective scrutiny involves looking at issues that can be politically contentious. On occasion the Executive may not agree with the findings or recommendations of a scrutiny committee. Both the Executive and Scrutiny should work together to mitigate this by establishing an open and honest forum for debate.

Scrutiny Chairs take an active role in leading and directing the discussion and managing any disagreement. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

#### **2.6.1 Roles when managing disputes**

Where disagreements and disputes do occur within a committee meeting, it is the responsibility of the Chair to try and manage this. All Overview and Scrutiny Chairs should therefore ensure they have attended Chair Skills training. Some useful points to consider when handling conflict include:

- Clarifying objectives and responsibilities
- Promoting understanding on all sides

- Focusing on the rational - facts not feelings
- Generate alternatives
- Defer the issue to another meeting/Research and Evaluation Panel
- Use humour (appropriately!)
- Take a break

It is also the responsibility of the Chair to enforce 'the rules', recognising that all Members and Officers must operate within both a legal and ethical framework. This would include abiding by the Overview and Scrutiny Rules and Procedures as laid out in the Council's constitution, as well as the relevant Member and Officer Codes of Conduct.

Where breaches of the Council's Rules, Procedures or Code of Conduct occur in meetings they should firstly be reported to the Monitoring Officer, (or in their absence, the Deputy Monitoring Officer). The Monitoring Officer can consider the alleged breach and advise on the appropriate course of action if necessary.

The Scrutiny Officer will support overview and scrutiny committees and their members, and provide support and advice to officers and councillors in relation to overview and scrutiny committees.

Similarly, it is part of the function of the Head of Democratic Services to provide support and advice in relation to the functions of the authority's overview and scrutiny committee(s), to members of the authority, members of the executive and officers as well as to promote the role of the authority's overview and scrutiny committee(s).

### **3 Budget Scrutiny engagement**

Effective Budget Scrutiny underpins good governance and is the responsibility and duty of the whole Council where:

- Cabinet design and deliver a balanced budget (transparently); and
- Scrutiny forms the mechanism for non-executive oversight of budget matters (constructively)

Budget Scrutiny should be a continuous engagement process between Scrutiny Members and the Executive.

It is important to remember that effective scrutiny can improve the evidence base for decisions as well as ensuring that decisions are transparent and in accordance with the needs of the local community.

### **4. Recommendations**

Recommendations should be high quality and timely to ensure the impact of Scrutiny is effective and has a meaningful impact.

Scrutiny's engagement in an issue should always be focussed on outcomes and recommendations are the key element. Considering items to be "noted" it is not an effective use of time or resources. Ultimately, Scrutiny in its entirety should be underpinned by having a clear idea about the return on investment of the work it is undertaking.

Recommendations should have a clear focus on outcomes “on the ground”, on a measurable change which you can use to measure the return on investment of the scrutiny work. The focus should be on who benefits, and when?

Recommendations should be evidence-based, specific and realistic enough to be implemented.

Recommendations should be addressed to a specific person or group identifying responsibility for delivering on a recommendation to ensure it is implemented.

Recommendations should be financially realistic. Where a recommendation involves additional expenditure, it may increase the force of the recommendation if funding sources can be recognised, however, it should not be required for scrutiny to fully cost all of its recommendations; this is an issue for the Executive.

Scrutiny Members should be prepared to speak to the Executive, senior Officers and to partners about recommendations where there may be queries, concerns, or to check factual accuracy. However, it must be understood and accepted that the decision as to what recommendations are submitted remains at the absolute discretion of Scrutiny Members. Such discussions can help to ensure that recommendations are more robust and realistic, and ultimately accepted by the Executive, and go on to be implemented.

Open-ended recommendations, where acceptance does not actually commit decision-makers to further action, should be avoided. For example, “The executive should consider...” or “The executive should investigate further...”

Recommendations should not be used to ask for responses to additional queries.

### **4.1 Responses to recommendations**

Recommendations should be prepared and circulated to the relevant Cabinet member and officers at the conclusion of the meeting, and in any event no later than 5 working days following the meeting with a request that responses are returned within 10 working days.

The response to a recommendation from should consist of:

- an acceptance or not of the recommendation. If the recommendation is not accepted / partially accepted the rationale should be clearly set out.
- if accepted a timetable of actions should be set out with a view to formal review of progress within a defined period.

The response to the recommendations will be reported back to the scrutiny meetings within at one of the next two meetings.

Scrutiny will monitor and evaluate recommendations once they are implemented following updates from the relevant Cabinet member / Officer.

Formal recommendations reported to a Cabinet meeting will be responded to within two months of them being made. The relevant Scrutiny Chair will attend Cabinet to present the recommendations and answer any questions that arise.

## 5. Evaluating Scrutiny

Being able to articulate scrutiny's "value added" is important to contribute to the development of a culture where scrutiny is welcomed and encouraged. Positive impacts of scrutiny should also be celebrated as contributing to sound decision-making and good governance.

Scrutiny Members, the Executive and Senior Officers will regularly be engaged as to their views on Scrutiny as part of a self-evaluation process. The Scrutiny protocol itself will also be regularly reviewed to ensure it is kept up to date and reflects the current Scrutiny processes and practices.

This information will be used to prepare the Statutory Annual Report on Scrutiny.

## 6. Commitments of Scrutiny Members, the Executive and Corporate Management Board

- A commitment to upholding democratic principles of transparency, accountability, and inclusivity;
- A commitment to the scrutiny process as an integral element of good governance;
- A commitment from all involved in scrutiny to work as equal partners with respect for each role involved to ensure it is effective;
- A commitment to ensure Scrutiny is non-political, impartial and strives to be a positive, helpful and collaborative process of the Council;
- A commitment to collaborative working and planning that focuses on realistic, timely outcomes and improvements;
- A commitment to self-evaluation and positive improvement of the Scrutiny process that centres on enhancing its impact for the benefit of the public and the community.

**Table for Signatures and Date.....etc**