

## **East Herts Council Report**

### **Executive**

**Date of Meeting:** Tuesday 18 March 2025

**Report by:** Committee Support Officer

**Report title:** East Herts Executive Scrutiny Protocol

**Ward(s) affected:** (All Wards);

### **Summary**

- This report presents the East Herts Executive Scrutiny Protocol following guidance issued by the government.

### **RECOMMENDATION FOR EXECUTIVE:**

**(A) The Executive and Overview and Scrutiny protocol be approved with effect from 18 March 2025, and**

**(B) The Executive and Overview and Scrutiny protocol be reviewed after June 2027.**

### **1.0 Proposal(s)**

1.1 The Executive and Overview and Scrutiny Protocol has been drafted to ensure the council has an approved document that sets out the principles of the working arrangements between the Executive and the Overview and Scrutiny Committee, complementing the rules and procedures detailed in the Constitution and in the guidance issued by the government in April 2024.

1.2 The aim of the protocol is to ensure the smooth conduct of business and maintain effective communication between Scrutiny and Executive Members. This will promote an effective role for Scrutiny and foster a good working relationship between the Committee and the Executive that will ensure the Committee makes a valuable contribution to the effective running of the Council.

## 2.0 Background

- 2.1 The government issued statutory guidance in April 2024 to ensure that councils, combined authorities, and combined county authorities were aware of the purpose of overview and scrutiny and how to conduct it effectively.
- 2.2 [Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities - GOV.UK](#)
- 2.3 The purpose of the protocol is to set out the working arrangements between the Executive and the Overview and Scrutiny Committee, complementing the rules and procedures detailed in the Constitution and in the guidance issued by the government in April 2024.
- 2.4 [Section 5](#) of the constitution relates to the rules and procedures that cover the operation of the Overview and Scrutiny Committee.
- 2.5 The protocol sets out the guiding principles of the expectations on the Executive and the Overview and Scrutiny Committee. The specific aims of the protocol are detailed in **Appendix A**.
- 2.6 Overview and Scrutiny Committee will expect the Executive to engage with the committee by identifying areas in work planning where scrutiny might add value.
- 2.7 The Executive will expect Members of the Overview and Scrutiny Committee to maintain a constructive relationship with the Executive. The principles underpinning this relationship are set out in **Appendix A**.

## 3.0 Reason(s)

- 3.1 To ensure that there is a clearly defined set of principles that guide Members of the Executive and the Overview and Scrutiny Committee in ensuring that there is an effective scrutiny function.
- 3.2 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process.

## **4.0 Options**

- 4.1 Overview and Scrutiny Committee may choose not to sign up to the protocol, but this would risk not having a good working relationship with the Executive.

## **5.0 Risks**

- 5.1 The effectiveness of the scrutiny function at East Herts will be at risk if the Executive and Members of Overview and Scrutiny do not have a clear set of guiding principles for the relationship between the Executive and Scrutiny.

## **6.0 Implications/Consultations**

- 6.1 The Leader and the Chair of the Overview and Scrutiny Committee were consulted during the preparation of the Executive and Overview and Scrutiny Protocol document.

## **Community Safety**

No

## **Data Protection**

No

## **Equalities**

No

## **Environmental Sustainability**

No

## **Financial**

No

## **Health and Safety**

No

## **Human Resources**

Yes – ongoing Officer support for the Scrutiny function and the Overview and Scrutiny Committee.

## **Human Rights**

No

## **Legal**

Yes - Overview and Scrutiny Committees are enshrined in law by virtue of the Local Government Act 2000 ([sections 9F to 9FI](#)) and the Localism Act 2011, as well as recent statutory guidance from the Ministry of Housing, Communities and Local Government (MHCLG) in April 2024.

## **Specific Wards**

No

### **7.0 Background papers, appendices and other relevant material**

#### **7.1 Appendix A – draft Executive and Overview and Scrutiny Protocol document**

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