



# **East Herts Council Executive and Overview and Scrutiny Protocol**

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This Protocol was agreed by the Executive on 18 March 2025, and can be reviewed after June 2027.

The Committee Support Officers are responsible for overseeing compliance with the Protocol.

## **1.0 Purpose**

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. [Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities - GOV.UK \(www.gov.uk\)](#)

A separate Scrutiny webpage (for councillors and the public) explains how scrutiny works [Scrutiny | East Herts District Council](#). There is also a comprehensive section in the Constitution covering the work of the Overview and Scrutiny Committee. [Overview and Scrutiny Committee.pdf \(eastherts.gov.uk\)](#)

## **2.0 The aims of the Protocol are to:**

1. Set out good Scrutiny practice.
2. Describe the roles and responsibilities of Overview and Scrutiny Committee and the Executive.
3. Enable open, trusting relations between the Executive and the Overview and Scrutiny Committee.
4. Support focused, transparent, and timely scrutiny of council business.
5. Facilitate effective scrutiny work planning and objective setting.
6. Enable scrutiny committees to influence Council business in a meaningful way.

## **3.0 Context – roles and responsibilities**

The Executive is the political leadership of the Council, sets policy and takes all significant decisions collectively or individually. Scrutiny provides a political check and balance on that authority. It helps ensure robust decision-making by examining the process and information that supports decisions. Scrutiny acts as a critical friend and is integral to democracy in ensuring the Council meets its priorities for the residents

of East Herts by influencing the planning and delivery of outcomes and by monitoring performance.

The Overview and Scrutiny Committee is politically balanced and meets in public. Scrutiny should be member-led and hold the Executive to account. Members of the Overview and Scrutiny Committee should see and comment on all significant proposals before they are finalised. Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process.

The Executive engages with the Overview and Scrutiny Committee for work planning to identify where scrutiny might add value. The Overview and Scrutiny Committee exercises influence and persuasion but does not take decisions and cannot override the Executive.

Scrutiny should be open and transparent, but may decide to work in private, outside of the formal committee meetings when this helps address sensitive matters or enables more thorough analysis or a frank exchange of views. The scrutiny process should be informed and driven by members.

Whilst Scrutiny is political and led by councillors, the Overview and Scrutiny Committee should aim for consensus in its work. National guidance defines effective scrutiny as:

1. Providing constructive 'critical friend' challenge
2. Amplifying the voices and concerns of the public
3. Being led by independent people who take responsibility for their role
4. Driving improvement in public services

To be effective Scrutiny needs an organisational culture which supports and recognises its value and purpose and a constructive relationship

with the Executive where roles and responsibilities are understood. Communication and engagement must work well. Areas of disagreement should be managed with respect and there should be a shared understanding of the principles underpinning the relationship and the ways of working that support it.

Principles underpinning the relationship:

a) Scrutiny should:

- i. Provide purposeful challenge to the Executive and service performance.
- ii. Be objective, evidence-based, and constructive.
- iii. Act as a critical friend to help sound decision-making.
- iv. Take a strategic perspective, focussing on the wider community outcomes.
- v. Aim for consensus, drawing on political insight.
- vi. Work collaboratively with the Executive and recognise that it will not always agree with scrutiny conclusions and recommendations.
- vii. Be well informed, members being fully prepared for meetings with a good understanding of the issues before them.

b) The Executive should:

- i. Recognise and value Scrutiny and be open to constructive challenge.
- ii. Respect the independence of the Overview and Scrutiny Committee and its chosen work programme.

- iii. Identify opportunities for the Overview and Scrutiny Committee to support and influence the work of the Executive.
  - iv. Properly and fully consider Scrutiny conclusions and findings.
  - v. Feedback and explain its response to Scrutiny recommendations.
  - vi. Engage with Scrutiny early to enable it to add value in a timely way.
- c) Together, the Overview and Scrutiny Committee, and the Executive should:
- i. Communicate and engage early on plans and activities.
  - ii. Foster a climate of trust, openness, honesty and integrity, sharing timely information including that which may be confidential or sensitive.
  - iii. Be positive and respectful in their interactions with each other.
  - iv. Manage any areas of disagreement in a constructive way.

#### **4.0 Ways of working together**

##### **Communication and engagement:**

- The Executive will engage with the Overview and Scrutiny Committee early on policy and plans, to enable meaningful and timely scrutiny input.
- The Executive and the Chair of Overview and Scrutiny will liaise regularly to update on plans and activities.

- The Overview and Scrutiny Committee will communicate on its work and its work programme regularly to the Executive and all members.

### **Scrutiny work programme planning:**

- The work programme will be in line with Council priorities and balanced between policy development, decision preview and performance monitoring.
- All Members of Overview and Scrutiny should take ownership of the work programme. The work programme will be approved at each committee meeting.
- Any councillor (not just O&S members) may raise issues for the scrutiny work programme. There is a Scrutiny Proposal Form so that clear proposals can be formed.
- They ensure effective work programme planning.
- Collectively, they monitor the overall Scrutiny function to ensure best practice and learning are embedded.

### **Task and finish groups:**

- Task and Finish Groups enable flexibility, and the ability to 'deep dive' into topics and provide an opportunity for early engagement. They may meet in private or in public, as determined by the Overview and Scrutiny Committee.
- They can assist policy development, including where informal early engagement is required.

- Executive Members may attend Task and Finish Group meetings to observe or contribute.
- Task and Finish Groups will report back to Overview and Scrutiny and provide recommendations about what to do moving forward.

### **Key decision review:**

- The Executive will invite scrutiny of planned decisions and inform scrutiny of proposals before publication in the Forward Plan.
- The Overview and Scrutiny Committee will examine the Forward Plan to identify priority proposals for scrutiny.
- Members and Officers will monitor the Plan between meetings to identify matters for timely scrutiny.

### **Policy development:**

- Executive members and officers should draw to the attention of Overview and Scrutiny Committee any key policy plans at the earliest opportunity.
- The Executive should discuss with Overview and Scrutiny Committee how and when scrutiny can best influence policy development.
- The approach to scrutiny of policy development will be agreed by the relevant committee but may be carried out informally by a task and finish group.
- Sometimes internal or business sensitivities may require policy development scrutiny to take place in private sessions. Reasons for this will be clear.



### **Performance monitoring:**

- Overview and Scrutiny Members will monitor performance and resources quarterly, their findings/recommendations to be reported to the Executive if possible.
- Scrutiny committees and Executive Members should share views about the usefulness of performance data.
- Scrutiny committees may use performance data to identify issues for further scrutiny.

### **Scrutiny meetings:**

- The relevant Executive Member should aim to attend all relevant meetings of Overview and Scrutiny Committee where possible. Executive Members who attend Overview and Scrutiny Committee should be reporting back to the Executive.
- Questions will be directed to the Executive Members but may be referred to an officer for an answer if needs be.
- Members should be respectful of each other and of officers, and all those presenting at meetings.

### **Scrutiny recommendations:**

- Scrutiny recommendations will be clear, reasoned and outcomes focused to assist response and monitoring and to help evidence the impact scrutiny has on Council business.
- Recommendations should be specific, measurable, achievable, realistic and timebound.

- The Executive will give due consideration to Scrutiny recommendations and views.
- Executive responses to recommendations will be reported to the next meeting of the committee.
- Responses will include an explanation for why any recommendations have not been accepted.
- The Overview and Scrutiny Committee Chair should attend meetings of the Executive to give feedback from the Committee on relevant matters.
- Scrutiny committees will record recommendations and responses for ongoing monitoring, to include assessment of Scrutiny impact.

**Information:**

- Scrutiny should have the information that underpins policy and decision-making to be able play its role and for assurance regarding the evidence used.
- Overview and Scrutiny Committee should also be providing any scrutiny proposal forms in good time to allow for preparation of reports. This will help to ensure that information sharing works both ways.
- The Executive and Officers will be open and transparent and will provide the information scrutiny committees need to do their job effectively. Information will be provided in a timely way to enable meaningful input.
- Information may be shared informally with scrutiny committees, on a confidential basis (e.g. proposals not possible to be shared publicly). This may be prior to determining whether and how a

matter should be scrutinised or as part of scrutiny of policy development.

- Reports to scrutiny committees will include information on factors driving proposals, internal or external.
- Information will be provided in line with scrutiny committees' and members' rights of access to information.
- The overriding principle is transparency. When information cannot be made available the reasons should be clearly explained.
- Scrutiny committees will have background information on issues being scrutinised through pre-meetings, focused briefings and advice from Democratic Services or service leads.
- Where possible all members should have briefings on significant policies and proposals under development.
- Members will keep themselves informed through research and will prepare for meetings by reading papers in advance.

The Chair of Overview and Scrutiny Committee should ensure Scrutiny is member-led and independent, setting the tone for constructive challenge to the Executive. The Chair is responsible for managing meetings to enable debate and maintaining focus of Scrutiny.

## **5.0 Officer Support**

In order that the Overview and Scrutiny Committee can perform its role properly, there is dedicated support within Democratic Services for the Scrutiny function and all officers of the Council are expected to provide impartial advice to Members of Overview and Scrutiny Committee. Of particular importance is the role played by statutory officers. Committee Support Officers support the Statutory Scrutiny function, and should:

- promote the role of Scrutiny at the Council;
- provide support to scrutiny committees and its members; and
- provide support and guidance to members and officers relating to the functions of the scrutiny committee.