



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>FULL COUNCIL 16 NOVEMBER 2022</b>
Report Number	<b>AGENDA ITEM 12</b>
Subject	<b>DRAFT EXECUTIVE SCRUTINY PROTOCOL</b>
Wards affected	All
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Summary/Purpose	Modernising the Constitution.
Annexes	Annex A – Draft Executive Scrutiny Protocol
Recommendation(s)	That Council resolves to approve the addition of an Executive Scrutiny Protocol into the Constitution.
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering our services to the highest standards</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Elected Members of the Constitution Working Group; Cabinet and Overview & Scrutiny Committee; Local Management Team; Head of Legal Services and Business Manager – Democratic Services.



## **1. BACKGROUND**

- 1.1 The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council has a legal duty to publish an up to date Constitution and it should be reviewed annually with any necessary changes being considered at the Full Council.
- 1.2 The Constitution must contain:
- the Council's Standing Orders/Procedure Rules;
  - the Members' Code of Conduct;
  - such information as the Secretary of State may direct;
  - such other information (if any) as the authority considers appropriate.

## **2. REPORT**

- 2.1 The Protocol is not a mandatory part of the Constitution, but is considered good practice. It sets out the basis for a positive relationship between the Cabinet and Overview & Scrutiny Committee.
- 2.2 The Protocol, if approved, will form part of the Constitution and therefore requires Council approval. Consultation with the Cabinet and Overview & Scrutiny Committee has been undertaken.
- 2.3 The Chair of Overview & Scrutiny Committee requested that the Constitution Working Group endorse the introduction of a new part to the Constitution – an Executive/Scrutiny Protocol (“the Protocol”). The Constitution Working Group at its meeting on 10 February 2022 endorsed the draft protocol for further consultation with the Cabinet, and Overview & Scrutiny Committee.
- 2.4 Cabinet, at their meetings on 9 May, 2022, considered the draft Protocol and requested some amendments. They subsequently considered an updated Protocol on 3 October 2022, and are recommending the Protocol shown in Annex A for adoption by the Council.
- 2.5 Overview & Scrutiny Committee have considered the draft Protocol on 24 May, and an updated version on 18 October, and similarly are recommending to Full Council for approval.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 None specific or arising from this report.



#### 4. LEGAL IMPLICATIONS

- 4.1 There is no legal requirement for the Council to have a Protocol although it is considered best practice in the 'Overview and Scrutiny: Statutory Guidance for Councils and Combined Authorities (MHCLG)' document published in May 2019.

#### 5. ALTERNATIVE OPTIONS

- 5.1 As a Protocol is not a mandatory requirement, Members could choose not to adopt it. However, there is a risk that the contribution that Overview & Scrutiny can make to the Council's improvement processes isn't maximised.

#### 6. BACKGROUND PAPERS

- 11.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Minutes of Cabinet held on 9 May and 3 October 2022.
- Minutes of Overview & Scrutiny Committee held on 24 May and 18 October 2022.
- Overview and Scrutiny: Statutory Guidance for Councils and Combined Authorities (MHCLG) document published in May 2019 available on the Centre for Governance & Scrutiny website

These documents will be available for inspection online at [www.cotswold.gov.uk](http://www.cotswold.gov.uk) or by contacting democratic services [democratic@cotswold.gov.uk](mailto:democratic@cotswold.gov.uk) for a period of up to 4 years from the date of the meeting.

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