

BABERGH DISTRICT COUNCIL

From: Corporate Manager - Governance and Civic Office.	Report Number: BCa/22/41
To: Cabinet	Date of meeting: 9 January 2023

SCRUTINY/CABINET PROTOCOL

1. Purpose of Report

- 1.1 To agree a Scrutiny/Cabinet Protocol for Overview and Scrutiny to promote a culture of accountability, openness, and transparency within Babergh and Mid Suffolk District Councils, recognising scrutiny as a key enabler within that culture.

2. Options Considered

- 2.1 The proposal to formulate a Scrutiny/Cabinet Protocol was an action from the Corporate Peer Review and is considered best practice by the Centre for Governance and Scrutiny.

3. Recommendations

- 3.1 That Cabinet approves the Scrutiny/Cabinet protocol attached.

Reason: To promote a culture of accountability, openness, and transparency within Babergh and Mid Suffolk District Councils, recognising scrutiny as a key enabler within that culture.

4. Financial Implications

N/A

5. Legal Implications

- 5.1 The requirement for local authorities in England to establish Overview and Scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. The Statutory Guidance has been issued under Section 9Q of the Local Government Act 2000, which requires authorities to have regard to it. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Governance and Scrutiny, when exercising their overview and scrutiny functions.
- 5.2 Overview and Scrutiny committees have statutory powers to scrutinise decisions the Cabinet is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to decisions and policies and how they are implemented.
- 5.3 Overview and scrutiny committees can also play a valuable role in developing policy.

6. Risk Management

6.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Lack of Robust Governance Arrangements	1	2	Processes and protocols are put in place to ensure a clear robust decision-making process	Governance Reference 2

7. Consultations

7.1 The Leaders and Overview and Scrutiny Chairs and Vice Chairs have been consulted.

7.2 Joint Overview and Scrutiny Committee formally approved the protocol on the 21st November 2022.

8. Equality Analysis

N/A

9. Shared Service / Partnership Implications

9.1 This protocol has been written for both Councils to adopt.

10. Links to Corporate Plan

10.1 This decision will strengthen and support the Councils' governance arrangements to enable delivery of all strands of the Corporate Plan and provide members of the public with confidence around the Councils' decision-making processes.

11. Key Information

11.1 Following the House of Commons' Communities and Local Government Select Committees report of December 2017 into the 'Effectiveness of local authority overview and scrutiny committees', the Government published new statutory guidance in May 2019 on overview and scrutiny in local and combined authorities.

11.2 The Council in operating a Leader and Executive Governance model must have regard to it when exercising their functions and should be followed unless there is a good reason not to in a particular case. Section 2 of the Statutory Guidance refers to Culture within an organisation and its importance in whether its scrutiny function succeeds or fails.

- 11.3 This protocol has been formulated based on the Statutory Guidance following the creation of an action plan for Overview and Scrutiny as a result of the Councils' peer review and the requirement for Overview and Scrutiny to have a clear role and focus.
- 11.4 The protocol clearly defines the role of Overview and Scrutiny, Cabinet and Officers to promote a culture of accountability, openness, and transparency within Babergh and Mid Suffolk District Councils,' recognising scrutiny as a key enabler within that culture.

Appendices

Title	Location
(a) Scrutiny/Cabinet Protocol	Attached

12. Background Documents

[Babergh and Mid Suffolk District Council Corporate Peer Challenge Action Plan](#)

<https://www.gov.uk/government/publications/overview-and-scrutiny>

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