

APPENDIX 1

Cabinet and Overview and Scrutiny Protocol

Relations between Scrutiny and Cabinet

1. Scrutiny will maintain liaison with the Cabinet; in particular the Leader will from time to time meet with the Chairs and Vice Chairs of Overview and Scrutiny Committees to discuss issues of mutual concern.

Scrutiny Work Programmes

2. All Cabinet Members will receive information on the proposed work programmes and meeting dates for each OSC prior to the start of each municipal year.
3. Prior to each OSC meeting Cabinet members will be notified when the agenda papers are available to view.
4. Opportunities will be provided for discussing the respective OSC work programme / agendas at relevant Portfolio meetings.

Scrutiny of Performance Issues

5. Cabinet Members whose Portfolio area covers the remit of specific OSCs have a standing invitation to attend those six monthly meetings where the OSC formally considers performance issues relating to Making Gateshead a place where everyone Thrives and partnership work generally, to provide an update on their Portfolio area to the Committee.
6. Where specific concerns relating to a performance matter arise outside of the six monthly meetings, and the OSC would like the relevant Cabinet Member to attend to provide an update on this matter, a specific invitation will be extended via the Cabinet Office for the Cabinet Member to attend the next scheduled meeting of the OSC.
7. Where OSCs have any specific concerns relating to a performance matter the relevant Cabinet Portfolio Holder will be made aware of these by the relevant OSC Lead / scrutiny support officer prior to the meeting.
8. Where a Cabinet Member is unable to attend an OSC meeting he/she may nominate another Cabinet member who supports the Portfolio area to attend, or the relevant strategic or service director.

Scrutiny and Policy Development

9. Where OSCs are considering matters which support the development of Council Policy, Cabinet Members will be invited to attend OSC meetings as follows:-

OSC Reviews

10. Cabinet Members will be made aware of the Policy Reviews to be carried out by each OSC annually through the OSC's Work Programme, including the dates of the meetings where the OSC will receive evidence on these reviews, and will receive the agenda papers for these meetings for information.
11. As the OSC work programmes are flexible, Cabinet Members will be notified of any changes to the Work Programme as they arise.
12. Where the OSC Review covers a Cabinet member's Portfolio area, the scrutiny support officer will contact the Cabinet Office to invite that Cabinet member on behalf of the OSC to attend one of the evidence sessions to highlight any issues/concerns/challenges that they would like the OSC to have regard to.
13. Where a Cabinet Member is unable to attend he/she may nominate another Cabinet member who supports the Portfolio area to attend, or the relevant strategic or service director.

ad hoc Policy Issues

14. Where an OSC's views are being sought on policy matters during the course of the year on an *ad hoc* basis, the scrutiny support officer will inform the Cabinet Office and invite the relevant Cabinet Member on behalf of the OSC to attend the meeting where this issue is considered to highlight any issues/concerns/challenges that they would like the OSC to have regard to.
15. Where a Cabinet Member wishes to attend any other meeting of an OSC and speak on a particular matter he/she should liaise with the relevant Chair of the OSC or the relevant scrutiny support officer for the OSC in question, seeking an invitation from the Chair. If agreed, the OSC will then be notified of the Cabinet Member's intention to attend.

Managing Disagreements

16. The above processes should ensure that OSC recommendations to Cabinet / Council, in relation to future Council policies and practices, take account of Cabinet members

position on particular matters and help facilitate Cabinet support for proposed recommendations. Never-the-less there may be occasions, in relation to particularly contentious issues, where Cabinet may disagree with a finding or recommendation of a scrutiny committee.

Where such disagreements occur in relation to OSC Reviews these are likely to become apparent at the Interim report stage providing an opportunity for OSC Chairs to discuss with relevant Cabinet members whether there is scope for a midway compromise position to be achieved.

Where it is not possible to find a compromise position and Cabinet, as the decision maker, considers it is not able to support a particular recommendation or finding of a scrutiny committee then Cabinet should provide full and clear reasons as to why this is the case.

Call in

- 17 Where an OSC Chair and Vice Chair agree that a request for Call - In is reasonable and Cabinet is asked to think again on a particular issue a meeting of the relevant OSC should be convened within five working days to consider the Call - In, the relevant Cabinet member will be invited to attend to make any comments they would like the OSC to have regard to. The representations of the Cabinet member will be in addition to any presentation given by the relevant Strategic Director responsible for the service which is the subject of the called in decision.

Scrutiny Powers to Access Information

- 18 The statutory guidance on O&S indicates that Scrutiny members should have access to a regularly available source of key information about the management of the authority, particularly on performance management and risk.

Each request for information should be judged on its individual merits but authorities should adopt a default position of sharing the information they hold, on request from scrutiny members. However, there may be instances where it is legitimate for the Cabinet to withhold information. In such circumstances, Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 places a requirement on the Cabinet to provide Scrutiny with a written statement setting out its reasons for that decision. However, the guidance states that before a decision is taken not to share information, serious consideration should be given as to whether such information can be shared with Scrutiny in closed session.

Scrutiny and full Council

- 19 An annual report setting out scrutiny's activities for that year will be submitted to a meeting of full Council to ensure that the wider Council has a good awareness of the role, purpose and ongoing work of scrutiny across the Council.