

PROTOCOL - SCRUTINY AND THE CABINET

GENERAL PRINCIPLES, VALUES AND BEHAVIOURS

It is important that the scrutiny function operates to maintain high standards of public accountability and mutual respect between Councillors and officers. Scrutiny should not be viewed as an adversarial process, but one of positive and constructive challenge working alongside the Cabinet to secure improvements in Council and other public services for the borough and its people.

Scrutiny Members will work together in a non-partisan environment and aim to adopt a non-adversarial but challenging approach and to work with officers to identify improvements.

In seeking agreement to this Member protocol, Members acknowledge and respect the different rights and roles of both Scrutiny and Cabinet Members, and recognise the interdependency of the two functions on each other. Members are committed to developing an effective relationship between Scrutiny and Cabinet Members. This will involve but not be limited to:

- Frequent and honest dialogue between Cabinet Members and Scrutiny Members, either individually or collectively
- Regular discussions regarding Cabinet and Scrutiny work programmes/activities
- Establish effective and formal reporting structures
- Support a non-partisan environment for Scrutiny

Rights and obligations of Scrutiny Members

This guide provides Members with a summary of how to get involved in scrutiny underpinned by the legal and constitutional framework.

Scrutiny Members may:

- Identify subjects for scrutiny
- Submit scrutiny questions
- Call-in a key decision of the Cabinet
- Participate in detailed reviews – namely scrutiny commissions
- Select subject for scrutiny debate at Council

Each of these tasks is described in more detail in a separate guide.

Access to information

Scrutiny Members have the right to scrutinise documents coming before Council committees and the Cabinet. There are exceptions to this covering draft papers or informal advice to the Cabinet, or exempt information such as matters concerning personal or commercial confidentiality. However, these exemptions do not apply if you are a member of a scrutiny committee or sub-committee and if the information is relevant to the business that appears on that committee's work programme. It should be noted that such rights do not necessarily confer on you the right to disclose such information to others if it is exempt or confidential.

Relationship with Cabinet Members

In undertaking their scrutiny role, Members may require the assistance of the relevant Cabinet Member. For example, Members may wish to directly hold the Cabinet Member to account for a policy decision. Generally, attendance by Cabinet Members to the Scrutiny Committees will be voluntary unless they are specifically summoned to assist with a particular issue. In instances where a Cabinet Member is required to provide specific advice, reasonable notice will be given. Participation by any Cabinet Member at a Scrutiny meeting is at the discretion of the Chair

Call-in

When a Key Decision is made by the Cabinet collectively, by an Area Committee or by an officer, any Member may call in that decision for a Scrutiny Committee to consider. This is subject to the 'urgency' provisions set out in the [Council's Constitution](#) . The power of "call -in" does not apply to the day to day management and operational decisions made by officers under delegated powers and may only be exercised in relation to non-key decisions as part of a review of service plans or during the best value process.

The power of Call-in can, inevitably, give rise to tensions between Cabinet and Scrutiny Members. Call-in should not be used for trivial political purposes. Equally, the Cabinet recognises that right and respects the authority of scrutiny to exercise that right. Therefore, the Council will respond to the issues raised in an authoritative manner.

If used responsibly, call-in provides a key mechanism and demonstrates the preparedness of the Cabinet to be open and accountable in justifying it's decisions. Subjecting decisions to public scrutiny can only add to the vitality of the Council's democratic decision making process on behalf of residents.

Officer Support

The Scrutiny function is supported by a small team of officers within the Scrutiny Unit, part of the OACE department. The team provides advice and support to members to undertake their work. This includes research, analysing data and report preparation.

It is worth noting that Members are entitled to information in accordance with their rights as a Councillor. These rights are specified in the [Council's code of conduct](#) . All officers have a duty to provide information in accordance with that advice, to all Members irrespective of their status and political party.

HOW CAN I FIND OUT MORE INFORMATION?

Should you wish to discuss the information contained within this leaflet or any other matters relating to scrutiny, please do not hesitate to contact the scrutiny team, they will be happy to help you.

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Alternatively, information can be obtained from the Council's internet site at www.lambeth.gov.uk

