



Cyngor Sir  
**CEREDIGION**  
County Council

**PROTOCOL FOR ACCESS BY CABINET MEMBERS TO  
OVERVIEW AND SCRUTINY COMMITTEES**

Democratic Services Committee  
Council

15<sup>th</sup> February 2019  
20<sup>th</sup> June 2019

The effectiveness of Overview and Scrutiny is not a matter for Overview and Scrutiny Members and Officers alone. It is as much the responsibility of the Executive i.e. Cabinet. The Executive has a duty to ensure that the way that it and its Members act does not undermine scrutiny.

Responsibility for a failing or ineffective scrutiny function very often rests as much with the Cabinet as it does with Overview and Scrutiny Members and their Support Officers.

This shared responsibility for ensuring that Scrutiny works as well as it can means that a good Scrutiny/Cabinet relationship is one of the most critical criteria for its success.

### **What does the law say about what Officers and the Cabinet must do?**

The Local Government Act 2000 says that Cabinet Members and Officers of the Council must:

- Attend meetings, where required to do so. The word “require” is not defined in the Act but it can be assumed that it does confer a choice as to whether or not to attend;
- Provide information, where required to do so;
- Respond to recommendations.

### **Attendance at Overview and Scrutiny meetings**

Meetings should be set so that the Cabinet meetings do not clash with scheduled Overview and Scrutiny meetings and vice versa. Special meetings arranged should also avoid clashes.

It is common and a good practice for Ceredigion County Council Cabinet Members to attend an Overview and Scrutiny Committee meeting for the purpose of being held to account in relation to decisions and proposals.

Cabinet Members are encouraged to attend the meeting relevant to their Portfolio to gauge the views of Overview and Scrutiny Members.

An open discussion and exchange of views will be of importance to the Cabinet Member(s) and Overview and Scrutiny Members, particularly where consideration is being given to the development of the Council’s budget or policy framework.

Depending on the nature of the agenda item, either the Cabinet Member or Corporate Lead Officer will be asked to present the item whichever is deemed appropriate. Members of the Committee should however be aware that although Officers can reply to specific questions regarding the operational performance of a service, the reasoning behind why a decision was made should be directed to the Cabinet Member(s).

It is possible for any Cabinet Member to attend any Overview and Scrutiny Committee meeting and hear the discussion. It will be at the Chairman’s discretion as to whether a Cabinet Member can contribute i.e. provide information relevant to the topic, not to provide opinion, at the Overview and Scrutiny Committee meeting.

However, it is established practice that all Councillors are permitted to speak at all meetings.

The Chairman shall be responsible for the effective conduct of the business at the meeting and may, if deemed necessary provide a time limit for questions or responses given or the number of such questions that may be put by a Member in respect of any particular decision or proposal.

It is accepted that although the Cabinet Member may have been invited to report on a particular agenda item, given the fact that he/she is at the meeting, questions may stray into other areas (subject to them remaining relevant to agenda items). It should be understood that the Cabinet Member will respond to the best of his/her knowledge on particular questions. On occasions, the Cabinet Member may need to undertake further research in order to provide the answers.

All Members should promote an atmosphere of openness at Overview and Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Overview and Scrutiny Committee members, the Cabinet Portfolio Member and other participants.

Cabinet Portfolio Members can also attend and participate in informal or workshop sessions and/or task and finish groups to Overview and Scrutiny Committees if invited to do so.

**Dwynwen Jones**  
**Overview and Scrutiny Officer**