

Cabinet Scrutiny Committee Protocol

1. Agenda Setting

The Council has appointed this committee under section 21 of the Local Government Act 2000 to:

- (a) review or scrutinise formal decisions made by the Leader, the Cabinet, Cabinet Members or Cabinet committees.*
- (b) call-in any decision made but not yet implemented by the Leader, the Cabinet or a Cabinet Member and either:
 - (i) recommend that the decision be reconsidered by the person who made it or*
 - (ii) arrange for its function under (a) above (so far as it relates to the decision) to be exercised by the Council**
- (c) make reports or recommendations to the Leader, Cabinet, Cabinet Member, the relevant officer or the Council arising out of its functions.*

Scrutiny of decisions taken by the Cabinet collectively will be subject to the following process:

- (1) Meetings of the Cabinet Scrutiny Committee will normally take place within eight working days of the meetings of Cabinet.*
- (2) A copy of the agenda and all papers submitted to the meeting of the Cabinet will be sent at the time of publication to all Members of the Cabinet Scrutiny Committee.*
- (3) The Chairman and spokesmen on the Cabinet Scrutiny Committee shall agree:
 - (a) which matters the Committee is to scrutinise*
 - (b) the amount of time to be allowed for questioning and debate on each of these items*
 - (c) which Members of the Cabinet and officers it requires to attend and answer questions*
 - (d) which other witnesses it will ask to attend**

(These agreements should be based on the principle of fair shares between political groups in selecting the items to be discussed)¹

2. Invitation of witnesses

The invitation of witnesses shall be agreed in advance by the Chairman and spokesmen on the Cabinet Scrutiny Committee during the agenda setting process.

¹ Please note: text in italics in this document represents a direct quote from the Constitution of the Council.

The Chairman and spokesmen shall agree:

- (a) The names of those to be invited.
- (b) Which items or parts of items witnesses shall be asked to comment on or answer questions.
- (c) Whether each witness shall be asked to prepare a statement to the Committee, and whether this statement should be circulated to the Chairman and spokesmen in advance of the meeting.
- (d) Whether each witness shall be permitted to ask questions of other witnesses or decision makers.
- (e) Whether, in the event of any named witness not being able to attend, a representative may be sent.

(1) Any Member of the Council may attend any meeting of a Committee, including those parts of the meeting from which the public and press are excluded. They do not have a right to vote or move a motion or amendment, but may speak with the consent of the Chairman (such consent to be sought before the meeting and should not normally be withheld).

(2) If a Committee is considering an item of business in private that relates to the personal or financial affairs of an individual employee or a member of the public, it may resolve to exclude from the meeting any Member who is not a member of the Committee. Before doing so, a Member representing a member of the public must be given the opportunity to speak.

If a County Councillor who is not a member of the Committee has identified an item for call-in, they shall be permitted to speak at the meeting in order to set out the reason for call in, and to ask questions of the witnesses. If a County Councillor who is not a member of the Committee attends the meeting as a guest, they shall be able to ask questions of the witnesses with the Chairman's permission, but only after the Committee members have had the opportunity to ask questions.

3. Requests from members of the public to speak / give evidence

Submitting written views about decisions already called-in for scrutiny.

The agenda for each Cabinet Scrutiny Committee meeting is published one week in advance on the KCC website (www.kent.gov.uk). The agenda shows which decisions are to be scrutinised at the next meeting. Written statements of views will be requested of public witnesses to inform members of the reason for their wish to give evidence. The written statement should be no more than 500 words long and should be sent to the Democratic Services Unit (give contact e-mail) to arrive at least two days before the Committee meeting. Written statements will then be circulated to Members of the Committee prior to the meeting;

All Committee meetings are normally open to the public and the public is more than welcome to attend to listen to the Committee's debates.

Members of the public may also ask to address the Committee on any item already on the agenda. Please note that:-

- (i) requests must be made in advance of the meeting to the Democratic Services Unit and are subject to agreement by the Chairman of the Committee in consultation with the Spokesmen from the other two political parties;
- (ii) in normal circumstances, members of the public will be encouraged to appoint a spokesman to address the Committee on any one item.
- (iii) any member of the public allowed to address the Committee:-
 - must normally have submitted a written statement first (see above);
 - will be allowed to address the Committee for up to 5 minutes to summarise their views, and amplify – but not repeat – any points in their written statement;
 - will then be allowed up to 5 minutes to ask questions of the witnesses (the 5 minutes does not include the time for answers to be given). These questions should be used to seek genuinely new information. Questions must not be asked to which the member of the public already knows the answer.

4. The order of discussion / debate

If previously agreed during the agenda setting process, the Chairman shall invite each witness to speak to the Committee to amplify their statement.

The Chairman shall allow Members to ask questions of any witness present for an item, or specific element thereof. The order in which this will take place will be in agreement with the spokesmen. If a Member of the Council is not a member of the Cabinet Scrutiny Committee but has requested that an item be called in for scrutiny, they may be allowed to ask questions before other Members and be able to come back and ask further questions.

5. Formulating and agreeing recommendations

During any meeting of the Committee the clerk shall record any comments made in the course of the discussions by Members of the Committee. The Chairman shall then ask Members of the Committee to agree to each comment being made to the Cabinet or appropriate Cabinet and in respect of the resolution, by majority vote, to either:

- (a) make no comments*
- (b) express comments but not require reconsideration of the decision*
- (c) require implementation of the decision to be postponed pending reconsideration of the matter in the light of the Committee's comments by whoever took the decision or*

(d) require implementation of the decision to be postponed pending consideration of the matter by the full Council.

If a decision has to be taken or implemented for reasons of urgency before the procedures set out above have been completed, it may be taken and/or implemented provided that the Chairman and spokesmen on the Cabinet Scrutiny Committee have been consulted (unless the circumstances render this impractical) and:

(1) the Group Managing Director or relevant Senior Manager; and

(2) (in the case of a key decision that ought to be included in the Forward Plan) the Chairman of the Cabinet Scrutiny Committee agree that the making of the decision is urgent and cannot reasonably be deferred. If the Chairman of the Cabinet Scrutiny Committee is unable to act, the Chairman or Vice-Chairman of the Council may be consulted and agree instead. The reasons why it was not practical to comply with the relevant procedures and the agreement and any comments of the Group Managing Director, relevant Senior Manager and Chairman and spokesmen of the Cabinet Scrutiny Committee must be included in the published written statement of the decision. The Leader shall report quarterly to the Council giving details (including particulars of the matters in respect of which decisions were made) of any key decision which was taken as an urgent matter during the previous three months.