

SCRUTINY and CABINET

Roles and Responsibilities

Memorandum of Understanding

1. Principles of Effective Scrutiny

1.1. The Centre for Public Scrutiny (CfPS) has identified the following four principles which underpin effective scrutiny:

- Provide a constructive ‘critical friend’ challenge to the Executive (“Cabinet”) as well as outside agencies
- Reflect the voice and concerns of the public and its communities
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services.

In addition it is important that scrutiny:

- Improves decision-making in the Council

2. Objectives of the Memorandum of Understanding

2.1. The objectives of this MoU are:

- to establish a positive framework within which the Scrutiny Committee and the Cabinet can work together in a constructive, co-ordinated and effective way;
- to maximise the personal effectiveness of Scrutiny and Cabinet Members by enabling them to fully understand their powers, roles and responsibilities in relation to the Scrutiny function;
- to promote and maintain an ethos of mutual respect, trust and courtesy in the inter relationships between Scrutiny and Cabinet Members and a climate of openness that leads to constructive, yet challenging, debate;
- to create a culture of holding the Cabinet to account on behalf of the electorate, by monitoring the effectiveness of the Council’s policies and through the regular review of its performance in relation to service delivery, with a view to ensuring service improvements.

3. Role of the Scrutiny Committee

3.1. Detailed information on the Scrutiny process can be found in the Council’s Constitution. In summary, within its terms of reference, the Scrutiny Committee may:

- review or scrutinise decisions made or other actions taken in connection with the discharge of any of the Council's functions;
- make reports and / or recommendations to the Full Council and / or the Cabinet in connection with the discharge of any functions;
- assist the Council and the Cabinet in the development of the policy framework and budget;
- consider any matter affecting the area or its inhabitants; and
- exercise the right to "Call-In", for re-consideration, decisions made but not yet implemented by the Cabinet.

3.2. The Scrutiny Committee is accountable to the Council as a whole and not to the Cabinet. The Cabinet will respect its independence.

4. Holding the Cabinet to Account

- 4.1. One of the fundamental principles of Scrutiny is the ability to hold the Executive (i.e. the "Cabinet") to account. The principle of the "Cabinet" style of local government is that, by having a small Executive responsible for decision-making, the decision making process will be quicker and more efficient. However, local people need to be assured that this small group of Members are making decisions effectively and acting in the best interests of the local community they serve.
- 4.2. Holding the Cabinet to account can involve scrutinising executive decisions at a number of different stages of the decision-making process:
- before decisions are made;
 - before they are implemented and
 - after they are implemented.
- 4.3. Holding the Cabinet to account is not about confrontation – it is about Scrutiny Members providing a "critical friend" challenge to the Cabinet and to individual Cabinet Portfolio Holders. Scrutiny is not about challenging individuals or personalities, but is about challenging decisions and securing improvement where possible. Neither should holding the Cabinet to account be about party political loyalties.
- 4.4. There are a number of ways in which the Scrutiny Committee can hold the Cabinet to account and assist in its decision-making. These include:
- By using the call-in procedure to instigate a review of a decision made by the Cabinet or by Cabinet members;
 - By requesting the inclusion of an item for discussion on a Scrutiny Committee agenda;
 - By identifying items from the Forward Plan or Corporate Plan for pre-scrutiny;
 - By identifying an area of Cabinet responsibility for a detailed study as part of the Scrutiny Committee's work programme;
 - By considering issues at the invitation of the Cabinet.

5. Relationship Between Cabinet and Scrutiny

5.1. Cabinet and Scrutiny have very different functions and responsibilities. However, the aim of both should be to secure the best outcomes for the people who live and work in Uttlesford.

5.2. The following principles set out how the working relationship between Cabinet and Scrutiny should operate:

- Cabinet and Scrutiny acknowledge and respect their different functions and responsibilities will work in a complementary manner towards securing the best outcomes for the people who live and work in Uttlesford.
- Cabinet will respect Scrutiny's role in holding the Cabinet to account and will co-operate to enable the Scrutiny Committee to carry out this role.
- Scrutiny will respect the role of the Cabinet as the Council's Executive and Scrutiny will approach its role in a proportionate, objective and non-party political manner.
- Cabinet and Scrutiny will look to work within a spirit of mutual respect and constructive challenge, and with openness and transparency.

5.3. Cabinet members will attend Scrutiny meetings as needed to present information, provide context, answer questions and contribute to discussion.

5.4. The Scrutiny Chairman will attend Cabinet meetings to report on the work of the Scrutiny Committee and to communicate its recommendations, findings and views.

5.5. Representatives of the Cabinet and Scrutiny Committee will meet regularly to ensure that each is aware of the work and priorities of the other, to discuss and develop the Scrutiny work programme and to facilitate its engagement with the Cabinet as a "critical friend". Cabinet and Scrutiny both recognise the importance of open and honest communication in enabling each to fulfil its role effectively.