

Cabinet Member participation in Scrutiny Meetings

It is current practice, and in line with the constitution and the statutory regulations governing scrutiny, that Cabinet Members can attend scrutiny meetings (on the invitation of the Chair/the Committee) as long as it is clear that they are attending as Cabinet Members – their role is distinct from the role of members of the Committee.

i.e. their role is similar to the role of officers or witnesses at the meeting – they are there to be questioned or to present information – and not to participate in the questioning of officers or witnesses themselves. Scrutiny is on one side of the table – Officers/Cabinet Members/Witnesses on the other.

This was highlighted in the official government response to the HCLG Select Committee's review into O&S in March:

<https://www.parliament.uk/documents/commons-committees/communities-and-local-government/2017-19-Correspondence/Government-Response-to-the-Communities-and-Local-Government-Committee-First-Report-on-the-effectiveness-of-local-authority-overview-and-scrutiny-committees.pdf>

“The Government accepts the need to limit the executive’s involvement in the scrutiny meetings. Updated guidance will make clear that members of the executive should not participate in scrutiny other than as witnesses”.

The updated guidance, once published in December, should re-affirm that Cabinet Members can attend scrutiny meetings, but as witnesses only; they are not to participate in the questioning of other witnesses or in the formulation of recommendations/referrals; and they are there at the invitation of the Chair/Committee.