

Report of the Chair

Scrutiny Programme Committee – 7 July 2014

FORWARD LOOK (CABINET BUSINESS) – OPPORTUNITIES FOR PRE-DECISION SCRUTINY

Purpose	To facilitate the committee's ability to undertake pre-decision scrutiny a forward look document showing future cabinet business is provided.
Content	This report provides a brief explanation of pre-decision scrutiny and process. Information about future cabinet business is appended.
Councillors are being asked to	consider the information about future cabinet business and any opportunities for pre-decision scrutiny
Lead Councillor(s)	Councillor Mike Day, Chair of the Scrutiny Programme Committee
Lead Officer(s)	Dean Taylor, Director – Corporate Services
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1. INTRODUCTION

1.1 One of the ways in which scrutiny can work is by scrutinising proposed Cabinet business. Pre-decision scrutiny is a well-established role for the overview and scrutiny function across the UK, however a range of different arrangements can be found. Whilst there may be different interpretations of what is meant by 'pre-decision' scrutiny, in Swansea it is understood as the scrutiny of a specific Cabinet report where a clear recommendation exists i.e. decision that will be taken.

1.2 The committee has previously received reports about pre-decision scrutiny to improve understanding of the purpose and process. The committee is aware that there have been there have been very few examples of pre decision scrutiny over the last few years. In order to raise visibility of opportunities for pre decision scrutiny, the committee agreed that content from the council's forward look document which shows future cabinet business is included in the papers for this committee. The document, maintained by Democratic Services, is continually updated and the latest version is attached as **Appendix 1**.

- 1.3 Whilst the Committee is the body which would undertake pre-decision scrutiny (unless the committee delegates elsewhere) it is open to all councillors to make requests, based on knowledge about future cabinet business.

2. PRE-DECISION SCRUTINY IN BRIEF

- a) In Swansea, pre-decision scrutiny provides opportunity for the Scrutiny Programme Committee to discuss and give views on a proposed Cabinet decision report BEFORE Cabinet meets to consider the report and make the decision.
- b) This can happen if scrutiny identifies a particular report of interest that is scheduled for a future Cabinet meeting.
- c) A discussion between scrutiny and the relevant Cabinet Member is necessary in order to consider timescales so that the Scrutiny Programme Committee meeting can be arranged.
- d) The Scrutiny Programme Committee meeting will include presentation of the proposed cabinet report, advice from any other person requested to attend, questions from committee members, and views / conclusions / recommendations from the committee about the proposed decision.
- e) These views are then required to be formally considered by Cabinet before it makes the decision and feedback given to the committee including explanation for any rejection of views expressed.

3. WHAT MERITS PRE-DECISION SCRUTINY?

- 3.1 To ensure the best use of time and resources it is assumed that pre-decision scrutiny will take place on an exceptional basis - decisions that may have big significance, thinking about things like:

- strategic impact
- public interest
- significant financial implications

- 3.2 Pre-decision scrutiny would allow the Scrutiny Programme Committee to develop understanding and ask questions to challenge / influence decision-making, for example:

- the rationale for the report and robustness of the decision-making process
- potential impact and implications (including policy/budget issues) and risks
- how different options have been considered
- the extent of consultation undertaken

4. INFORMATION ABOUT CABINET BUSINESS

4.1 The opportunity for pre-decision scrutiny depends on the availability of advance information and awareness of cabinet business, as well as the time available for scrutiny to act within cabinet's decision-making timetable. It also depends on good working relationships and 'mutual' respect for it from both Cabinet and scrutiny. Discussion with relevant cabinet members is always necessary for confirmation over the decision-making timetable for specific matters that scrutiny may have expressed an interest in.

4.2 To date scrutiny councillors have relied upon the information about cabinet business contained within a Forward Work Programme published on the council's website on a quarterly basis. However issues were raised by members about the level of detail within and the fact that this was a snapshot at a given point in time covering a fixed period. To supplement the Forward Work Programme all councillors are in weekly receipt of an internal Forward Look log which lists all known cabinet reports that are scheduled for future meetings. Since January all councillors were advised by the committee to also consider this log as the source for potential pre-decision scrutiny items. Taking that a step further the committee agreed that it should be a standing item on each committee agenda to ensure that proper consideration is given to this.

5. RAISING MATTERS FOR PRE-DECISION SCRUTINY

5.1 The committee may require further information on anything contained within the Forward Look before making any formal request for pre-decision scrutiny.

5.3 The Presiding Member should be notified of any requests for pre-decision scrutiny. In exceptional circumstances pre-decision scrutiny may not be appropriate and the Presiding Member would be entitled to decline a request based on agreed criteria (similar to the chair of council also validating any call-ins).

5.4 The scheduling of matters for pre-decision scrutiny will always be subject to the advice of relevant Cabinet Members and officers. In some cases this may require a committee meeting at short notice or an additional committee meeting to fit within the cabinet timetable.

6. DETAILED PROCESS

6.1 There is a written process for pre-decision scrutiny that would be followed which provides more detail (**see Appendix 2**). This is based on a report which Council endorsed in 2009. A written procedure was developed to ensure a clear and consistent approach, and workable process.

6.2 The Scrutiny Programme Committee may keep arrangements under review and may suggest changes to ensure that the process for pre-decision scrutiny is effective.

7. CALL-IN (POST - DECISION)

7.1 Entirely separate to pre-decision scrutiny the Council has a call-in procedure (Paragraph 17 of Cabinet Procedure Rules, Council Constitution) which enables councillors to 'call-in' any decision which the Cabinet has made, within 3 clear working days of publication of that decision, by referring it to the Presiding Member. The effect of a call-in properly made i.e. within time and made by the requisite number of Councillors will be to suspend the implementation of a decision pending consideration of its validity by the Presiding Member, and if appropriate consideration by a Challenge Panel to consider whether the Cabinet decision was well-founded and appropriate. One of the arguments for pre-decision scrutiny is that it can avoid the need for call-in.

8. LEGAL IMPLICATIONS

8.1 There are no specific legal implications raised by this report.

9. FINANCIAL IMPLICATIONS

9.1 There are no specific financial implications raised by this report.

Background Papers: None

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Legal Officer: Nigel Havard

Finance Officer: Carl Billingsley