

## Report of the Chair

### Scrutiny Programme Committee – 13 November 2014

#### PRE-DECISION SCRUTINY OF CABINET REPORT – PROPOSED LEASE OF UNDERHILL PARK TO MUMBLES COMMUNITY ASSOCIATION

<b>Purpose</b>	This report advises the committee of the aim of the meeting and provides guidance on pre-decision scrutiny ahead of consideration of the Cabinet report on 'Proposed Lease of Underhill Park to Mumbles Community Association'
<b>Content</b>	The report to be considered by Cabinet on 18 November is appended.
<b>Councillors are being asked to</b>	<ul style="list-style-type: none"><li>• consider the Cabinet report and proposals</li><li>• agree any views on the proposed decision that are to be submitted to Cabinet</li></ul>
<b>Lead Councillor</b>	Councillor Mike Day, Chair of Scrutiny Programme Committee
<b>Lead Cabinet Member / Officer(s)</b>	<ul style="list-style-type: none"><li>• Councillor Mark Child – Cabinet Member for Wellbeing &amp; Healthy City</li><li>• Phil Roberts, Director – Place</li></ul>
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#### 1. Introduction

- 1.1 Following a review of future cabinet business at a recent meeting the committee requested to undertake pre-decision scrutiny of the Cabinet report on 'Proposed Lease of Underhill Park to Mumbles Community Association' ahead of its consideration at Cabinet on 18 November.

#### 2. Cabinet Report

- 2.1 The report of the Cabinet Member for Wellbeing & Healthy City is attached as **Appendix 1**.
- 2.2 The report contains proposals relating to the management of Underhill Park, which is currently owned and maintained by the Council. The report asks that Cabinet:

- Notes the financial and operational implications and authorises the Director of Place to negotiate and settle the terms of the proposed lease (and thereafter any required Deeds of Variation) and to instruct the Head of Legal, Democratic Services and Procurement to finalise the legal documentation;
- Agrees, in principle, the long-term ambitions and phased programme of improvements proposed by Mumbles Community Association;
- Authorises the Director of Place to agree the phased programme subject to gateway and milestone reviews, funding, access, contract and any other required legal procedures being satisfied.

2.3 The report describes how this decision will enable the community group to improve the features and facilities within the park utilising funding opportunities, resulting in a net saving to the Council of approximately £10,500 per annum, as well as provide other benefits.

### **3. Role Of The Committee**

3.1 Pre-decision scrutiny provides the opportunity for consultation with non-Executive Members on fully developed proposals, where a clear recommendation exists, before decisions are taken by the Executive.

3.2 This meeting will enable the committee to gain information and develop an understanding of this matter, and, acting as a 'critical friend', to ask questions and comment on the report. This gives scrutiny a valuable opportunity to inform and influence decision-making through debate and challenge.

3.3 Councillor Mark Child, supported by relevant officers, will attend the meeting to present the report, answer questions, and provide any clarification on the report as required. Officers involved in the development of the report will be present to provide appropriate advice. The following may attend to assist the Committee:

- Phil Roberts – Director of Place
- Tracey McNulty – Head of Cultural Services
- Ian Beynon – Cultural Services
- Wayne Evans - Cultural Services
- Geoff Bacon / Lewis Hinds – Corporate Building & Property Services
- Simon Tse – representative of Mumbles Community Association

- 3.4 In terms of key questions, the Committee may want to consider:
- the rationale for the report
  - robustness of the proposed decision and process
  - potential impact and implications (including policy / performance / budget issues) and risks
  - how different options have been considered
  - the extent of consultation undertaken
- 3.5 In sharing its views with cabinet this may include giving support, providing other suggestions on the way forward, or flagging up any concerns.
- 3.6 The committee (through the chair) will have the opportunity to present its views, conclusions and recommendations about the report to Cabinet on 18 November. These views are required to be formally considered by Cabinet before it makes the decision and feedback should be given to the committee including explanation for any rejection of views expressed.

#### **4. Legal Implications**

- 4.1 The Council's Constitution does not offer comprehensive guidance and states-
- "Pre-decision scrutiny gives scrutiny the opportunity to influence Cabinet decision making as a critical friend"
- "The views of the scrutiny committee are formally presented (either in a written report or verbally by the scrutiny Chair) to the Cabinet meeting for the Cabinet to consider and inform its decision making"
- "The Council's Scrutiny Unit should be contacted for advice about the process that should be followed for requests for pre-decision scrutiny"
- 4.2 Minute No.70 of the Scrutiny Performance Committee of the 29<sup>th</sup> September 2014 states- "A request for pre-decision scrutiny was made by Councillor A S C Colburn in respect of the proposed lease of Underhill Park to Mumbles Community Association. Councillor Colburn detailed his concerns in relation to the matter and Members applied the filtering criteria at 7.5 of the Report in determining whether to proceed." Paragraph 7.5 stated the following criteria (on the advice of the Scrutiny Unit): "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."

4.3 Paragraph 3.4 above is noted being the further advice of the Scrutiny Unit.

**5. Financial Implications**

5.1 There are no specific financial implications raised by this report. Financial implications of the actual cabinet report are contained within that report which is appended.

Background Papers: None

Date: 4 November 2014

Legal Officer: Nigel Havard

Finance Officer: Sarah Willis

Appendices:

Appendix 1: Report of the Cabinet Member for Wellbeing & Healthy City – Proposed Lease if Underhill Park to Mumbles Community Association