



Report of the Chair

Scrutiny Programme Committee – 19 January 2021

Pre-decision Scrutiny – Role of the Committee

Purpose	This report provides guidance on pre-decision scrutiny ahead of consideration of the Cabinet report on: a) Proposed Lease to Mumbles Community Council under the Community Asset Transfer Policy.
Content	This covering report explains the role of the Committee in undertaking pre-decision scrutiny. The actual Cabinet report which is to be considered by Cabinet on 21 January is appended.
Councillors are being asked to	<ul style="list-style-type: none">• note the pre-decision scrutiny process and role of the Committee• consider the Cabinet report and proposals• agree any views on the proposed decision(s) that are to be raised with Cabinet
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1. Introduction

- 1.1 The Scrutiny Programme Committee will carry out pre-decision scrutiny or delegate to relevant Scrutiny Panels, in respect of proposed cabinet reports as requested.
- 1.2 A report concerning the Proposed Lease to Mumbles Community Council under the Community Asset Transfer Policy is scheduled for decision by Cabinet on 21 January. This relates to the proposed development of a new Skatepark by the Community Council, previously subject of Committee discussion in January 2020. The joint report of the Cabinet Members for Delivery & Operations and Investment, Regeneration & Tourism is **attached** for pre-decision scrutiny.

The cabinet report recommends that

- 1) Cabinet considers the outcome responses from the consultation process under the public open spaces legislation that was undertaken in respect of the land identified in appendix A (site plan). A full copy of the responses received, and each of those that Object, Support or provide a Neutral comment has been provided as Appendix G, with a high level summary provided within the body of this report;
- 2) Cabinet approves the proposed disposal of the land to Mumbles Community Council at a level of undervalue being acceptable to Cabinet and based on advice of the Director of Place. Authority is delegated to the Director of Place to negotiate and settle the terms of the proposed lease of the land identified in Appendix A (Site Plan) and authority is delegated to the Chief Legal Officer to finalise the legal documentation; and
- 3) Cabinet agrees for improvements be made to the site in line with the associated planning permission reference 2019/2345/FUL granted on 13th February 2020 for a replacement Skatepark at West Cross Skate Park Mumbles Road Blackpill Swansea.

2. Role of the Committee

2.1 The purpose of pre-decision scrutiny:

- It entitles scrutiny to discuss proposed Cabinet reports, where a clear recommendation(s) exists, before decisions are taken by the Executive.
- Acting as a 'critical friend', it enables scrutiny to ask questions about a report to develop understanding and inform and influence decision-making, for example asking about:
 - the rationale for the report
 - robustness of the proposed decision and decision-making process
 - potential impact and implications (including policy/budget issues, social, economic and environmental impact) and risks
 - how different options have been considered
 - the extent of consultation undertaken
 - implementation and measures of success etc.
- It enables scrutiny to provide a perspective and report its views and any issues to Cabinet. The chair, on behalf of the Committee, can attend the Cabinet meeting to share the views of scrutiny on the report prior to Cabinet decision. This may include giving support, providing other suggestions on the way forward, or flagging up any concerns.

- The views of scrutiny are required to be formally considered by Cabinet before it makes the decision and feedback should be given including explanation for any rejection of views expressed.

2.2 The Cabinet Members have been invited to attend the meeting to present the report and respond to questions, along with relevant officer(s) involved in the development of the report who can assist the Committee and provide appropriate advice.

2.3 The Committee (through the chair) will write to the Cabinet Members with its views following pre-decision scrutiny. The Chair will have the opportunity to attend the cabinet meeting on 21 January to verbally feedback the Committee's views, conclusions and recommendations about the report.

3. Cabinet Response

3.1 Cabinet must formally consider scrutiny views at its meeting. It may decide that any issues raised by scrutiny can be dealt with at the meeting and decision taken. It may decide that more time is needed to consider the views of scrutiny and defer decision to the next (or a special) meeting of Cabinet.

3.2 The relevant Cabinet Member is expected to write back to the Committee with feedback from Cabinet, and should include explanation of any rejection of scrutiny views.

4. Legal Implications

4.1 In accordance with the Council's Constitution "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".

5. Financial Implications

5.1 There are no specific financial implications raised by this report. Financial implications of the actual cabinet report(s) are contained within those reports.

Background Papers: None

Appendices:

Appendix 1: Cabinet Report – Proposed Lease to Mumbles Community Council under the Community Asset Transfer Policy.