

Overview & Scrutiny Protocol – Pre-decision Scrutiny

WHAT IS PRE-DECISION SCRUTINY?

Cabinet and Overview and Scrutiny recognise that in order for effective scrutiny to happen they need to work together for the benefit of the Council and to improve decision-making.

The Council is required to give 28 days' notice of a planned key decision. The decisions are brought to scrutiny as drafts of the final cabinet or delegated decision report.

The range of possible outcomes may include support for a decision, a different view on the way forward, the flagging up of concerns (e.g. in relation to the consultation process), or a recommendation that the decision should be deferred pending further work etc. It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed. Pre-decision scrutiny can be viewed as non-Executive Members performing a 'critical friend' role in relation to the Executive.

Overall, pre-decision scrutiny can help the decision-making process by:

Providing an impartial perspective – scrutiny can gather its own evidence to contribute towards the decision-making process, and consult those directly affected by the decision impartially and independently.

Challenging assumptions and making evidence-gathering more robust – scrutiny can look at projections relating to the impact of the decision – financial, social, economic, environmental – and consider whether those projections and assumptions are justified.

Developing realistic plans and targets – scrutiny can help to develop challenging but realistic targets that will be impartial and focused on outcomes rather than outputs.

Securing ownership and buy-in to the final decision – engaging with scrutiny will help the executive to understand the expectations of the wider group of elected councillors and, by extension, the public.

WHAT PRE-DECISION SCRUTINY IS NOT

Pre-decision scrutiny does not replace decision-making. It is not intended to blur the lines of accountability, which will always rest with the Executive.

Pre-decision scrutiny is not the same as general service or policy development / formulation. Separate to pre-decision scrutiny there are occasions where scrutiny is already involved at an earlier point in the development of policy or service proposals.

WHY IS A PROTOCOL NEEDED?

The aim of this protocol is to set out an agreed way of working with the Cabinet, in line with the Council's Constitution, to facilitate the proper role of Overview and Scrutiny in respect of pre-decision scrutiny.

Protocol for pre-decision scrutiny of Forward Plan items

1. Overview and Scrutiny Board will monitor and review the Council's Forward Plan of forthcoming key decisions (as standing items on agenda) to determine which items they would like an input into before decisions are made by the Cabinet or the individual decision maker with delegated responsibility. Members will be notified by email when an item is added to the Forward Plan. Members will have 5 calendar days to make a request for pre-decision scrutiny to the Chairman and Clerk of O&S Board.
2. It is permissible for the Leader or individual Cabinet Members to suggest topics for pre-decision scrutiny however the decision to accept rests with the Board. The request, stating reasons, will be made in writing to the Chairman and Clerk of the Board within 5 calendar days of the item being added to the Forward Plan.
3. Where a request has been received in accordance with Points 1 or 2 above, the clerk of the O&S Board will write to O&S Board Members giving up to 5 working days for the suggestion to be accepted onto the agenda for the next scheduled meeting. A majority of Members from the committee is required to achieve this. In the event of a tie, the Chairman will have a second and casting vote. That a suggestion is rejected does not prevent the use of call-in at a later date. The matter will progress for consideration by Cabinet or delegated decision maker and be available for call-in subject to any exemption.
4. Where pre-decision scrutiny of a forthcoming key decision is agreed by the Overview & Scrutiny Board, a draft copy of the Cabinet report or Executive Decision will be provided. Where necessary and following consultation with the Chairman, an extraordinary meeting of Board or committee will be convened in accordance with procedure rules.
5. The relevant Cabinet Member, Director, Assistant Director and/or appropriate officer(s) will attend the Overview and Scrutiny meeting to present the draft report and answer any questions posed by members of the committee.
6. The Overview and Scrutiny Board discusses the report and identifies any points it would like addressed in the final report to be presented before Cabinet or the individual decision maker with delegated responsibility; this could include any alternative recommendations which the Board consider necessary.

7. Unless the proposal is different from that which the decision-maker is subsequently required to consider, the pre-decision scrutiny of the subject prevents the opportunity for call-in once the decision is made by the Cabinet or the individual decision maker with delegated responsibility.