

**Children and Learning  
Overview & Scrutiny  
Sub-Committee  
8 December 2020**

**Subject Heading:**

**Protocol for Pre-Decision Scrutiny**

**SLT Lead:**

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**Policy context:**

Overview & Scrutiny

**Financial summary:**

There are no significant financial  
implications.

**The subject matter of this report deals with the following Council  
Objectives**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

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**SUMMARY**

In response to the COVID-19 outbreak, all committee meetings, including overview & scrutiny, were suspended in Havering until the end of May 2020. With the support of Group Leaders, a phased return of virtual committee meetings occurred with Overview & Scrutiny Board meeting monthly prior to the scheduled return of meetings from September 2020.

The purpose of this report is to demonstrate how overview & scrutiny can support the Council's transition from lockdown through an emphasis on pre-scrutiny of forthcoming executive decisions. To facilitate, a pre-scrutiny protocol is proposed for adoption.

## **RECOMMENDATIONS**

That the Sub-Committee note the content of the Protocol on Pre-Decision Scrutiny attached at Appendix A.

## **REPORT DETAIL**

In response to the COVID-19 outbreak, Havering suspended all Council, Cabinet and committee meetings until the end of May 2020. A phased re-introduction of virtual meetings followed thereafter with Overview & Scrutiny Board leading the Council's overview & scrutiny obligations with the wider set of scrutiny committees returning over the summer months.

Overview and scrutiny has the potential to play a significant role in assisting in the Council's recovery from the pandemic in the months ahead and to provide a critical friend in identifying areas for improvement should there be further spikes in the virus which require additional periods of lockdown.

Alongside post-scrutiny call-in, pre-decision scrutiny provides the opportunity for backbench members to undertake the checks and balances of impending key executive decisions. By challenging assumptions and assessing what risks might arise from the implementation of a decision, Scrutiny provides the opportunity to influence and improve decisions before they are finalised and actively contributes towards the development of future policy and changes to key service provision.

In addition, it helps to develop a positive working relationship between Overview & Scrutiny and the Executive and recognises the contribution Overview & Scrutiny can make towards the running of the Council. Indeed, in recent weeks the Leader of the Council has encouraged Overview & Scrutiny to scrutinise a number of forthcoming key decisions. Where such requests are received, the Chairman of Overview & Scrutiny Board will liaise with members to determine whether pre-decision scrutiny should be undertaken.

Pre-decision scrutiny should feature as part of Overview & Scrutiny Board's work programme with regular monitoring of the forthcoming decisions of the Leader's Forward Plan of key decisions. A copy of the most recent Forward Plan is referenced elsewhere on the agenda. The Council is required to give 28 days' notice of a planned key executive decision.

Similarly to arrangements for the administration of call-in, responsibility for considering requests for pre-decision scrutiny rests with Overview & Scrutiny Board.

Historically, there has been an absence of engagement in pre-decision scrutiny with post-scrutiny call-in being the option of choice. To build upon recent discussions aimed at promoting pre-decision scrutiny and to provide guidance to Members and facilitate its introduction, a draft protocol has been produced for consideration which is attached to this report.

## **IMPLICATIONS AND RISKS**

### **Legal Implications and Risks**

It is a matter for overview & scrutiny to determine how it wishes to conduct pre-decision scrutiny. The proposed protocol complements guidance which has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

### **Finance Implications and Risks – None**

### **HR Implications and Risks – None**

### **Equalities Implications and Risks - None**

## **BACKGROUND PAPERS**

None