

# COUNCIL BUSINESS COMMITTEE

## Overview and Scrutiny of Draft Reports

26 January 2017

### Report of the Democratic Services Manager

#### PURPOSE OF REPORT

To enable Members to consider an issue raised by the Overview and Scrutiny Committee

**This report is public.**

#### RECOMMENDATIONS

(1) That the Committee considers the information set out in this report.

##### 1.0 Introduction

1.1 When considering its work programme during the meeting, held on 19 October 2016, the Overview and Scrutiny (O&S) Committee resolved:

That the Work Programme item "*Constitutional issues regarding Overview and Scrutiny Members viewing draft reports, as part of the pre-decision scrutiny process*" be referred to the Council Business Committee for consideration and that it be recommended that all Members be consulted on the issue before consideration by full Council.

##### 2.0 What the Constitution Says

2.1 The Constitution is clear that there is no automatic right of entitlement by O&S to any draft report or other draft document. The wording is "Overview and Scrutiny will not be entitled to any document which is in draft form."

2.2 This does not, of course, prevent Cabinet members from sharing an early draft report with O&S to receive comments that they can consider when they take the decision, in the way that Heysham Gateway was presented to the O&S Committee on 19 October 2016.

##### 3.0 What is a "Draft" Report?

3.1 It is important to be clear about two different types of draft report and why the Constitution appears to allow access to one and not to another.

3.2 When officers draft a report, there are often several versions before the report is finalised, with – at a minimum - input required from Chief Officers, officers in legal and finance and statutory officers. Sometimes more than one version is in circulation at the same time.

3.3 There is a sound reason why O&S Members are not entitled to this type of draft report. They are incomplete reports. They are: -

- unlikely to include all the statutory officer comments that are required;
- unlikely to include the relevant Cabinet Member recommendations;
- unlikely have completed options and options analysis.

There would be issues with regard to version control. O&S Members could be looking at on an out of date and incomplete version of the report which will go to Cabinet. For example, one Member could be looking at Version 2; another at Version 5.

Officers have a duty to provide quality advice to Members throughout the decision making process. The completed report is the document that officers feel provides all the necessary advice and information for Members to take the required decision(s). Providing O&S members access on demand to incomplete reports in various stages of drafting would, at best, be confusing and, at worst, a risk to the Council.

3.4 The other type of draft report is one which is ready to be submitted to Cabinet or another Member body. The problems and issues of incompleteness and version control do not apply to this type of report. It is well established and recognised good practice in scrutiny for significant issues which are to be considered by a Council's Cabinet to be looked at by O&S first, as part of pre-scrutiny. The draft report can then include any comments from O&S to enable Cabinet Members to take those views into account when taking the decision.

#### **4.0 Conclusion**

4.1 Members are asked to consider the current position and whether they wish to recommend any changes to the Constitution.

4.2 Any recommendation to amend the Constitution regarding draft reports would require a further report with recommendations from the Monitoring Officer. It is recommended that this be put to full council in line with the recommendation from O&S.

**RELATIONSHIP TO POLICY FRAMEWORK**

There are no direct implications as a result of this report.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

There are no direct implications as a result of this report.

**LEGAL IMPLICATIONS**

There are no legal implications as a direct result of this report. However, any proposal to amend the Constitution would need to be the subject of a further report with recommendations from the Monitoring Officer.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from the report.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

None arising from this report.

**Information Services:**

None arising from this report.

**Property:**

None arising from this report.

**Open Spaces:**

None arising from this report.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has drafted this report in her role as Democratic Services Manager.

**BACKGROUND PAPERS**

None.

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