

APPENDIX B

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.

Decisions may be brought to scrutiny as drafts of the final cabinet report for consideration.

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 It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed.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-Cabinet Members performing a 'critical friend' role in relation to the Cabinet.

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 Cabinet.

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 Cabinet items

1. Any draft cabinet reports when available are sent to members of Cabinet and Overview & Scrutiny for consideration before the decision making Cabinet.
2. Cabinet will have a briefing on the available draft reports normally 2 weeks prior to the scheduled Cabinet meeting.
3. Overview & Scrutiny may request a similar briefing on any of the available draft reports. The briefing will be no later than 2 days following any Cabinet briefing. Any request to be sent by the Chair or Vice-Chair to the Chief Executive. Late requests will not be accepted.
4. The relevant Cabinet Member, Chief Officer and/or appropriate officer(s) may attend any Overview and Scrutiny briefing to present the draft report and help answer any questions posed by members of the Committee.
5. Overview and Scrutiny will consider the draft report and identify any points it would like addressed in the final report to be presented before Cabinet, this could include any alternative recommendations which the Committee consider necessary.
6. The Chair or Vice-chair of Overview & Scrutiny will submit any feedback to the relevant Chief Officer and relevant portfolio holder either at the briefing or no later than 5pm the following day.
7. The relevant portfolio holder, in consultation with the Chief Officer, will consider any feedback/suggestions and decide whether to include comments/actions from Overview & Scrutiny in the report before publication.
8. Pre-decision scrutiny of the subject does not prevent the opportunity for call-in once the decision is made by the Cabinet.

Sensitive Information

Prior to publication of reports any information therein is to be treated as confidential and not to be disclosed.

Existing Pre- scrutiny arrangements

There is already a pre-scrutiny elected member (pre-scrutiny champion) who is responsible for monitoring the key decisions and requesting further information as necessary. This is intended to continue.