

## **5. PRE-DECISION SCRUTINY**

### **What is Pre-Decision Scrutiny?**

- 5.1 Pre-decision scrutiny applies to scheduled Cabinet business and provides the opportunity for consultation with non-executive members on fully developed proposals, where a clear recommendation exists, before decisions are taken by the Cabinet. This provides scrutiny councillors with the ability to make comments on a proposed decision before it is made, thereby giving scrutiny a valuable opportunity to influence decision-making through debate and challenge.

### **The Pre-scrutiny Process**

- 5.2 The process for pre-decision scrutiny is summarised in the flow-chart below. The process is based on a selective approach through identification of items from the Forward Plan.
- 5.3 Only one Overview and Scrutiny Committee may undertake pre-decision scrutiny.

### **Identification / Selection**

- 5.4 The Forward Plan is published on the Council's website and it will be included with each scrutiny agenda. Scrutiny councillors should use this information as the source from which selections for pre-decision scrutiny are made. Where the Chair of an Overview and Scrutiny Committee or a Group Leader expresses a desire to pre-scrutinise a matter it will be added to the work programme. The relevant Cabinet Member will be made aware of any requests for pre-scrutiny.
- 5.5 In some circumstances pre decision scrutiny will not be appropriate. The Chief Executive will be entitled to decline a request for pre-decision scrutiny provided one of the following criteria is met:
- (a) The matter is not the subject of a Cabinet decision-making report;
  - (b) The matter has already been subject to extensive consideration by an Overview and Scrutiny Committee;
  - (c) Where pre-decision scrutiny would require that an urgent matter is delayed and that this delay would be detrimental to the interests of the Council;
  - (d) Whether there is any constitutional or legal reason why pre-decision scrutiny should not take place.

### **Notification**

- 5.6 The relevant Cabinet Member and relevant Executive Director will be notified of those matters identified for pre-decision scrutiny at the earliest opportunity and advice sought on timing / implications.
- 5.7 The Executive Director will advise on the decision-making timetable.

## **Consideration**

- 5.8 Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the Overview and Scrutiny Committee to answer questions / provide clarification on the report. The Overview and Scrutiny Committee can request relevant officers to attend to provide advice and assist the Overview and Scrutiny Committee in their consideration.
- 5.9 Best practice evidence strongly emphasises the need for a constructive and non-party political approach. There would be an expectation of responsible, evidence-based scrutiny. In general, the Overview and Scrutiny Committee would be expected to focus on:
- (a) The reasons for the proposed decision and robustness of the process;
  - (b) Whether the report outlines all the known or potential implications (including policy/budget issues) and risks;
  - (c) Whether the report adequately examines all the available options;
  - (d) Whether there has been adequate consultation on the proposals.
- 5.10 Meetings will be open to the public (unless an exemption applies).

## **Decision**

- 5.11 The Overview and Scrutiny Committee will inform cabinet in writing of their considerations, this will be included on the Cabinet agenda. otherwise, the Chair of the Overview and Scrutiny Committee will be invited to address the Cabinet during consideration of the report to outline the views of the committee prior to decision.
- 5.12 Where possible the Cabinet report should include a section on the outcome from the Overview and Scrutiny Committee meeting and if necessary, demonstrate how the views expressed by the Overview and Scrutiny Committee have been addressed.

# Pre-decision scrutiny

