

RECOMMENDATIONS AND COMMENTS OF SCRUTINY COMMITTEES

Report of the Strategic Head of Service & Monitoring Officer **(Legal and Democratic Governance)**

1. MATTER FOR CONSIDERATION

- 1.1 At its meeting on 13 December 2021, the committee considered an item that had been placed on the agenda at the request of the Chair in relation to the process by which recommendations and comments of scrutiny committees made as part of the pre-decision scrutiny process were reflected and reported to the Cabinet to inform their decision-making.

2. PRE-DECISION SCRUTINY PROCESS

- 2.1 Since 2011, the Council has operated pre-decision scrutiny arrangements whereby most decisions taken by the Cabinet are subject to consideration in advance by at least one of the five scrutiny committees.
- 2.2 Looking at decisions before they are made provides an important means to influence those decisions, and to improve them. It gives scrutineers an opportunity to challenge assumptions that may have been made as the decision was developed; it also gives them the chance to consider how decision-makers have considered what risks might arise from the implementation of the decision, and how those risks might be mitigated.
- 2.3 Scrutiny councillors bring a different perspective to the decision-making process than that provided by Cabinet members or officers, which can help decisions to be more robust.
- 2.4 Looking at a decision before it is made can often be seen as a more effective means of scrutiny than looking at a decision after it is made (for example, through the call-in process), when the opportunity to influence and change that decision can be quite limited.

3. INITIAL VIEWS OF SCRUTINY CO-ORDINATION COMMITTEE

- 3.1 At the meeting of the committee on 13 December, the Chair expressed his concern that in considering a report on the 'Future High Street Fund – Stockroom' proposals, the Cabinet had not had the benefit of a formal record of the discussion and comments made by the three scrutiny committees that had met in advance of its meetings to consider the matter. It was stated that while the resolutions of each of those scrutiny committees had been incorporated within the cabinet summary sheet, this was insufficient for the decision-maker to understand the specific concerns expressed as part of those deliberations.
- 3.2 The committee resolved to invite the Leader of the Council to their subsequent meeting to provide an overview of how the recommendations and comments of scrutiny committees were considered by the Cabinet.

4. DISCUSSION ON 7 FEBRUARY 2022

- 4.1 On 7 February 2022, the Leader of the Council (Councillor Elise Wilson) attended the meeting of the committee and explained the various ways in which the comments and recommendations of scrutiny committees were reported to the Cabinet to inform its decision-making. These included:-
- (i) Relevant cabinet members routinely attending scrutiny committees to hear the discussion first-hand and to respond to concerns directly.
 - (ii) Cabinet members reporting the comments of scrutiny during the consideration of the item at the Cabinet meeting.
 - (iii) Other members of the Cabinet viewing webcasts of the meeting where appropriate and necessary.
 - (iv) The inclusion of written comments and recommendations within the report.
- 4.2 However, while it was acknowledged that the Cabinet fully engaged with the scrutiny process, members expressed concern that there did not appear to be a robust, consistent or auditable approach through which the views of scrutiny committees were relayed to the Cabinet.
- 4.3 In particular, it was stated that while the more informal routes identified by the Leader (points (i)-(iii) above) were undoubtedly valuable to the Cabinet and should form part of any comprehensive approach to informed decision-making, they could or should not be relied upon as the sole means by which the views of scrutiny were communicated.
- 4.4 The committee was of the view that there needed to be a codified and independent process through which those discussions and recommendations were relayed to the Cabinet that would ensure that appropriate consideration was being given to them and that these were being accurately recorded.
- 4.5 It was noted and acknowledged that pre-decision scrutiny was not intended to replace decision-making and nor was it intended to blur the lines of accountability, which would always rest with the Cabinet; but rather the concerns of the committee related to ensuring that pre-decision scrutiny continued to add value to the decision-making process.
- 4.6 Consequently, the committee recommended that the Strategic Head of Service & Monitoring Officer (Legal and Democratic Governance) investigate the development of an appropriate mechanism or trigger point for the inclusion of an independent commentary of scrutiny's views to be included in reports to Cabinet.

5. PROPOSED ARRANGEMENTS

- 5.1 The concerns of the scrutiny committee focus largely on the informality and inconsistency of the current reporting route for scrutiny comments and recommendations.
- 5.2 Members noted that in some circumstances it was routine for comments and recommendations of scrutiny to be captured and included in reports to cabinet

such as with the medium-term financial plan. These comments were derived from the draft minutes produced by the attending democratic services officer.

- 5.3 Members were of the view that this was best practice as it ensured the accuracy and independence of the record that was being produced.
- 5.4 However, it was also noted that there were practical difficulties that would preclude the routine incorporation of such a commentary within the final report to the cabinet. Specifically, for those scrutiny committees that met at the end of scrutiny week, the draft minutes would need to be completed within one working day to ensure publication within the agenda for the cabinet meeting.
- 5.5 Moreover, on 13 December the scrutiny committee itself did not consider this approach to be necessary when it stated:-

“It would not be necessary for comments to be routinely captured in Cabinet reports, however where there was significant dissent or opposition to the proposals then this needed to be brought to the decision-maker’s attention.”

- 5.6 As a consequence, the following approach has been proposed with regard to the reporting of scrutiny comments and recommendations:-

- (1) That the cabinet meeting summary sheet template be amended to include a section for ‘Scrutiny committee comments and recommendations’.
- (2) That at the conclusion of each scrutiny committee meeting, the chair and the democratic services officer be requested to identify which items on the agenda need have the comments recorded and included on the cabinet meeting summary sheet.
- (3) The democratic services officer alone shall be responsible for producing the record of committee comments that will reflect the record of the meeting that would ultimately be produced in the minutes. These will be forwarded to the report author for inclusion in the cabinet summary sheet.
- (4) Where a scrutiny committee resolves to make a specific recommendation, the chair of that scrutiny committee shall also be invited to attend the cabinet meeting to address the Cabinet. The Cabinet shall be entitled to ask any questions of the chair following their address.

6. RECOMMENDATION

- 6.1 The Scrutiny Co-ordination Committee is recommended to comment on the approach identified in paragraph 5.6 above for the future reporting of scrutiny committee comments and recommendations.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Damian Eaton on 0161 474 3207 or by email on damian.eaton@stockport.gov.uk