

OSMB Referral to Cabinet 1st December 20

At their meeting on 30th November 20, the Overview and Scrutiny Management Board received a presentation from officers on City Leap - item 13.

Members were positive about the potential for moving towards carbon neutrality and welcomed the details of the 3 bidders. However the Board did also raise concerns that they believed needed to be covered before any final agreement was reached. Members wished to have a presentation and the opportunity to comment on the governance proposals for City Leap, including Cabinet and officer accountability, the ability for Scrutiny to monitor performance against key indicators, and management of risks. The Board also wanted to know what influence or control the Council would have over social value and ethical issues as well as factors that might lead to reputational risk. However, it was noted that it was important to seek the balance between Council control and providing the freedom to innovate and take appropriate risks. Members asked that OSMB be involved in the development of these aspects of the City Leap project.

Members noted that the Resources Scrutiny Commission had looked at items 14 and 15, Council Tax Base and the Collection Fund (and also discussed the Council Tax Reduction scheme) and item 17 Avon Mutual Bank. They went on to raise concerns about the APR 15 items 19-21 listed on today's agenda.

The Council's Access to Information Procedure Rule (APR) 13 states that any key decision will appear in a forward plan at least 28 days before the decision is taken.

APR15 lays out the procedure for items that have not been included in the forward plan.

If the Council has Access to information Procedure Rules they should be applied. If they are not applied why do they exist?

2 of the 3 items listed today could and should have been anticipated.

In the case of item 19 the overspend appears to have been known about well before the November forward plan was published, yet no one considered it important enough to include.

In the case of item 20, the report should have been but on the forward plan for November's Cabinet meeting, when the original decision was taken in December 2019. We were promised that a contracts register was being developed and are very concerned to find that it is still not in place.

Item 21 is exactly the issue that APR15 is designed to deal with, to allow short notice approval for unexpected central government funding

We recognise that the failure to put a key decision on the forward plan has occurred below the level of Cabinet or Monitoring Officer, but we urge Cabinet and senior officers to confirm their commitment to the forward plan process. OSMB appreciates the role of officers but the procedure is an important route to ensure good scrutiny, and it should not be acceptable, and is very poor governance, that an item can be exempted from Scrutiny as a result of leaving it off the forward plan. If Cabinet and the Monitoring Officer do not enforce this rule, no one else can.