

<b>Report to</b>	<b>Partnerships Scrutiny Committee</b>
<b>Date of meeting</b>	<b>18 May 2023</b>
<b>Head of Service</b>	<b>Lisa Jones, Interim Head of Legal and Democratic Services</b>
<b>Report author</b>	<b>Rhian Evans, Scrutiny Co-ordinator</b>
<b>Title</b>	<b>Review of Cabinet Decision relating to the Applications Shortlisted for Shared Prosperity Funding</b>

## **1. What is the report about?**

- 1.1 A review under the Council’s Scrutiny ‘call-in’ procedure of a decision taken by Cabinet, on 25<sup>th</sup> April 2023, on the ‘Applications shortlisted for Shared Prosperity Funding’.

## **2. What is the reason for making this report?**

- 2.1 A notice of a ‘call-in’ was submitted by 5 non-Cabinet councillors in accordance with the Council’s Constitution. The notice (attached at Annex A) calls for a review by one of the Council’s Scrutiny committees into a decision taken by Cabinet on 25<sup>th</sup> April 2023, on the ‘Applications shortlisted for Shared Prosperity Funding’.

## **3. What are the Recommendations?**

That the Committee:

- 3.1 having considered the information in this report and its appendices, along with the representations made during the course of the discussion, determines whether to refer the decision on the ‘Applications shortlisted for Shared Prosperity Funding’, taken on the 25<sup>th</sup> April 2023, back to Cabinet for further consideration; and

- 3.2 if it requests Cabinet to reconsider its original decision clearly identifies the reasons its seeks the review and formulates recommendation(s) it would like Cabinet to consider.

## 4. Report details

- 4.1 On the 25<sup>th</sup> April 2023 Cabinet considered a report on the 'Applications shortlisted for Shared Prosperity Funding' (copy attached at Annex B). *The appendices to Annex B are exempt from publication by virtue of paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.*
- 4.2 At the conclusion of its discussion Cabinet resolved to:
- (a) *"confirms it has understood the application and shortlisting processes and approves those procedures being fair and open;*
  - (b) *agrees to fund the projects shortlisted by the Core Partnership Group (Appendix C to the report), and*
  - (c) *grants delegated powers to the Leader to make subsequent decisions, in consultation with the Lead Member for Corporate Strategy, Policy and Equalities and the Corporate Director Environment and Economy. These decisions might be required should the circumstances described in paragraphs 4.9, 4.10 and 4.11 of the report occur."*
- 4.3 The Council's 'call-in' procedure defines a process for Scrutiny to exercise its statutory powers to review or scrutinise executive decisions, and to request that the decision-maker reconsiders a decision that has been taken, prior to it being implemented.
- 4.4 Cabinet's decision was published on the 27<sup>th</sup> April 2023. The 'call-in' procedure allows non-Cabinet councillors 5 working days in which to submit a notice of 'call-in'. Councillor Huw Hilditch-Roberts submitted a notice of 'call-in' electronically on 28<sup>th</sup> April 2023. This request was supported within the permitted timescale (via individual e-mails) by four other non-Cabinet councillors, namely Councillors Pauline Edwards, Merfyn Parry, Hugh Hesketh Evans and Mark Young.
- 4.5 The reason stated for 'calling-in' the decision is as follows:

“An allocation of 25.6 million has been made to Denbighshire through the UK Prosperity Fund. An open and transparent process must be adhered to for the allocation of those funds.

Lack of understanding of the application and shortlisting process. There is no evidence of a scoring matrix and was described as “Art, not a science”. Not sufficient evidence on how projects have been awarded and approved. A lack of evidence aligning the process with the UK government guidelines. No evidence of a right of appeal for applicants or extra information gathering to support the applications. Lack of consultation with all members in the process.”

- 4.6 The Council’s ‘call-in’ procedure does stipulate that a special meeting of a scrutiny committee should be convened within 5 working days of the receipt of the Notice of Call-In of Decision unless a scrutiny committee has a scheduled meeting within that period. The procedure also states that this timeline can be extended if both the decision-maker and the chair of the scrutiny committee agree to an extension. To facilitate the provision of sufficient background information to enable the Committee to review in detail the basis of the Cabinet decision an extension to the timeline was agreed. Hence its presentation to the Committee at the current meeting.
- 4.7 The above mentioned background information, attached at Annex C, includes information on the Fund’s timeline, key events and dates, along with copies of the e-mails sent to the chairs of the Council’s Member Area Groups and Denbighshire County Council’s Shared Prosperity Fund Partnership Group members seeking their assistance in encouraging, co-ordinating and providing comments on applications for Shared Prosperity funding. In addition to the above, the following guidance was available to all to access on the Council’s website:

[UK Shared Prosperity Fund | Denbighshire County Council](#)

[UK Shared Prosperity Fund: Stage 1 - How to submit an outline project application | Denbighshire County Council](#)

- 4.8 Following consideration of the Cabinet’s decision and all representations made at the current meeting, Partnerships Scrutiny Committee must decide whether the decision should be referred back to Cabinet. If it determines that the decision merits being referred back to Cabinet the Committee needs to provide its reasons for referring it back, along with clear information on what it wants Cabinet to consider. Cabinet would consider the referral and the reasons submitted in support of the referral at its next available meeting, on 23<sup>rd</sup> May 2023. At that meeting Cabinet would be expected to demonstrate that appropriate consideration is given to the Scrutiny Committee’s recommendations.
- 4.9 Cabinet will have options to change or re-affirm its original decision.
- 4.10 If Partnerships Scrutiny Committee decides that Cabinet’s decision should not be referred back to Cabinet, then the original decision can be implemented immediately.

## **5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?**

- 5.1. See Section 5 of the Cabinet report dated 25<sup>th</sup> April 2023 (Annex B).

## **6. What will it cost and how will it affect other services?**

- 6.1. See Section 6 of the Cabinet report dated 25<sup>th</sup> April 2023 (Annex B).

## **7. What are the main conclusions of the Well-being Impact Assessment?**

- 7.1. See Section 7 of the Cabinet report dated 25<sup>th</sup> April 2023 (Annex B).

## **8. What consultations have been carried out with Scrutiny and others?**

- 8.1 This report has been prepared under the provisions and timescales of the Council’s Constitution for a ‘call-in’ of a Cabinet decision.
- 8.2 Details of the consultation carried out prior to Cabinet taking its decision can be seen in Section 8 of the Cabinet report dated 25<sup>th</sup> April 2023 (Annex B).

8.3 Details of the correspondence and consultation undertaken with the Member Area Groups (MAGs) and Denbighshire County Council's Shared Prosperity Fund Partnership Group can be found at Annex C to this report.

## **9. Chief Finance Officer Statement**

9.1. See Section 9 of the Cabinet report dated 25<sup>th</sup> April 2023 (Annex B).

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. See Section 10 to the Cabinet report dated 25<sup>th</sup> April 2023 (Annex B).

## **11. Power to make the decision**

11.1. Scrutiny's powers in relation to this matter are laid out in:

- Section 21(2) and (3) of the Local Government Act 2000; and
- Sections 7.2.1 and 7.25 of the Council's Constitution