

| REPORT TO | DATE OF MEETING |
|----------------------|------------------------|
| Governance Committee | 27 January 2016 |

Report template revised June 2008



| SUBJECT | PORTFOLIO | AUTHOR | ITEM |
|--|-----------------------|-------------------|-------------|
| Procedures for Call-In By The Scrutiny Committee | Leader of the Council | Martin O'Loughlin | 11 |

SUMMARY AND LINK TO CORPORATE PRIORITIES

To report the findings of the Task Group's review of the procedures for "Call-In" following the recent "Call-In"

This links to Council's priority of efficient, effective and exceptional council

RECOMMENDATIONS

That the Scrutiny Procedure Rules 4F of the Constitution be amended to read as follows:-

"15. Call-in

Call-in should only be used to establish whether a decision was taken in accordance with the principles of decision making set out in Article 14. Call-in is where the Chairman of the Scrutiny Committee or a minimum of five members of the Council have information which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 14 (Decision Making)."

"15. Call-in

(b) During that period, the Chief Executive (or other designated officer) shall call-in a decision for scrutiny by the committee if so requested by the Scrutiny Committee chairman or in his/her absence, the vice-chairman or any five members of the Council in writing or electronically with a clear reason for the call-in, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chairman or, in their absence, vice-chairman of the committee, and in any case within ten working days of the decision to call-in. The Chief Executive (or other designated officer) shall inform all members of the Council of the arrangements made for the Special meeting of the Scrutiny Committee to consider the call-in.

(c) The relevant Cabinet Member and officer making the decision are to be summoned to attend the meeting to explain the decision and process followed in taking the decision. The members who made the call-in will also be summoned to attend the meeting to explain their reasons for making the call-in request. The reasons for the call-in and the name or names of the Councillors who requested the call-in shall be set out in the agenda for the meeting.

DETAILS AND REASONING

At the meeting of the Governance Committee held on 25 November 2015 Councillor Foster referred to the recent Call-in by the Scrutiny Committee indicating that he felt that many members of the council had not been aware of the Call-in. During the discussion at that meeting the

committee was unclear whether or not all appropriate procedures had been followed or if there was an omission in the procedure rules relating to Call-in. It was agreed that the Constitution task group would review the arrangements/procedure for a decision to be called-in.

The Task Group met on the evening of 17 December 2015 and reviewed the procedures for Call-in and concluded that all the procedures as set out in the Constitution had been complied with but was of the opinion that in the interests of transparency the procedures could be clarified and improved upon.

The Task Group agreed that the Chairman of Scrutiny did have the power to call-in and that this should be more explicit in the procedure rules.

The Task Group found that the omission from the procedure rules of any guidance on what should be included in the summons for the meeting was unhelpful and that in the interests of transparency and clarity the reasons for the call-in and the name or names of the Councillors who requested the call-in should be set out in the agenda for the meeting.

The Task Group also felt that in view of the importance attached to call-in and in the interests of transparency a rule should be included in the Procedure Rules to ensure that all members are notified of the arrangements made for the Special meeting of the Scrutiny Committee to consider the call-in.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

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|---|--|---|---|
| FINANCIAL | There are no financial implications arising from this report | | |
| LEGAL | There are no legal implications arising from this report | | |
| RISK | There are no risk implications from this report | | |
| THE IMPACT ON EQUALITY | The report has no negative impacts on equality | | |
| OTHER (see below) | | | |
| <i>Asset Management</i> | <i>Corporate Plans and Policies</i> | <i>Crime and Disorder</i> | <i>Efficiency Savings/Value for Money</i> |
| <i>Equality, Diversity and Community Cohesion</i> | <i>Freedom of Information/ Data Protection</i> | <i>Health and Safety</i> | <i>Health Inequalities</i> |
| <i>Human Rights Act 1998</i> | <i>Implementing Electronic Government</i> | <i>Staffing, Training and Development</i> | <i>Sustainability</i> |

BACKGROUND DOCUMENTS

Risk Assessment