

**Committee:** Constitution Working Group

**Agenda Item**

**Date:** 27 September 2016

**5**

**Title:** Scrutiny Committee: Withdrawal of call-in requests

**Author:** Interim Head of Legal Services

Item for decision

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## Summary

1. This report follows consideration

## Recommendations

1. Recommend to Council the deletion of the head of business: “deal with any matters arising from those minutes” in paragraph 1.1.4 (page (4)-5) and in paragraph 2.3 (page (4)-7) of the Council Procedure Rules.

## Financial Implications

2. None

## Background Papers

3. None. The report of the Director of Finance and Corporate Services to the Scrutiny Committee on 6 September is appended to this report.

## Impact

- 4.

Communication/Consultation	None.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Legal implications are dealt with in the body of the report.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

5. The purpose of this report is to propose changes to the Constitution to allow for the cancellation of a scrutiny committee meeting if members who “called in” the item subsequently conclude that call-in is not necessary. Members may decide they do not wish to pursue call-in if, for instance, they are offered assurance or explanation regarding the effect of the decision in question. Call-in may also not be necessary if assurances are given that the decision will be reconsidered by the Cabinet before its implementation.
6. The issue was considered by the Constitution Working Group at its meeting on 21 July 2016. It made this recommendation:

RECOMMENDED to Council that wording (to be drafted) be added to the Call-in procedure part of the Overview and Scrutiny Procedure Rules to enable Scrutiny Committee meetings to be cancelled, with the agreement of the lead officer and Chairman of the Scrutiny Committee, when the Executive had agreed to take a decision back for reconsideration.

7. This report proposes wording, as recommended by CWG, but goes slightly wider than recommended, as it provides for meetings to be cancelled for additional reasons to that mentioned in the recommendation.
8. A report was submitted by the Director of Finance and Corporate Services to the Scrutiny Committee on 7 September. The Scrutiny Committee voted to support the CWG recommendation, although some concern was expressed regarding transparency. The recommended wording seeks to address this.
9. Scrutiny Committee members asked to see this report at the same time as its circulation to CWG. Any comments made will be passed to CWG when it meets. There was also a suggestion from the Chair of the Scrutiny Committee that a wider review of the scrutiny process is needed. This can be pursued, if members wish, separately.
10. Members are recommended to add the following paragraph 9.13 (at page 4-64) of the Overview and Scrutiny Procedure Rules:

*A call-in request under para 9.3 may be withdrawn at any time up until the Scrutiny Committee meets to consider the decision called in. If a request for call-in is withdrawn by all members who made it, then subject to the agreement of the Chairman, a Scrutiny Committee to consider the decision shall either not be summoned or shall be cancelled. For the avoidance of doubt, the meeting shall go ahead if the Chairman of the Scrutiny Committee decides that this is in the public interest. Information about any call-in requests that are withdrawn under this provision shall be included on the agenda for a future meeting of the Scrutiny Committee.*

## Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
<p>(2) That a meeting of a Scrutiny Committee is convened in circumstances in which it is not necessary.</p> <p>(2) That implementation of a decision by the Cabinet is delayed unnecessarily.</p>	<p>Unlikely to occur frequently but likely to occur occasionally.</p>	<p>Unnecessary cost of calling a meeting, use of resources and member and officer time. Could be some impact if implementation of decisions is delayed.</p>	<p>This report proposes a way of mitigating this risk, whilst allowing the Chairman to rule that a meeting should go ahead. Concerns about transparency re addressed by the proposal that information is given to the Scrutiny Committee when call-in requests are withdrawn.</p>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.