

Committee: Scrutiny

Agenda Item

Date: 6 September 2016

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Title: Call-in Procedure

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Item for decision

Summary

1. Following a decision taken at Cabinet in respect of Street Naming and Numbering a Scrutiny call-in request was made.
2. The Portfolio Holder recognised that the person who had requested the call-in had made valid points that could improve the decision and agreed to take a revised policy back to Cabinet. However, the council constitution does not currently have a process in place which allows discussion to take place prior to a call-in meeting being held. Other councils including Essex County Council do have such a process in place.
3. The Constitution Working Group (CWG), at its meeting on 21 July 2016 was asked to consider such a process. The minute of this item from that meeting is attached at Appendix One.
4. The relevant section of Essex County Council's Scrutiny Handbook is attached as Appendix Two for members' information.
5. Further discussion of this item will take place at the CWG meeting to be held on 27 September 2016 prior to it going forward to Council in October.

Recommendations

6. Members consider the decision taken by CWG and either confirm support for the proposed process or request consideration of alternatives either by CWG or Council.

Financial Implications

7. None

Background Papers

8. None

Impact

- 9.

Communication/Consultation	This is being led by the Constitution Working Group and will go forward to Council for all Members to consider
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Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	This would be an amendment to the constitution of the council
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Appendix One

CWG7 PROCEDURE FOR CANCELLING SCRUTINY CALL-INS

At the invitation of the Chief Executive, members discussed the procedure for call-ins in circumstances where the Leader or relevant executive member agrees to take a Cabinet decision back for re-consideration. The present procedure did not allow for call-in meetings to be cancelled in these circumstances.

Councillor Parry confirmed that the recent call-in relating to street naming policy had required the Scrutiny Committee to go ahead in spite of the fact that the executive member had agreed to take the matter back for reconsideration.

Councillor Dean commented the meeting had to proceed as a member of the public had attended to listen to the discussion about street naming.

The Assistant Chief Executive – Legal said the aim of the agenda item brought to members was to avoid the need for an unnecessary meeting if the executive member had already agreed to the item being reconsidered and the Scrutiny Committee Chairman agreed to cancel the meeting.

The Chairman considered the matter to be straightforward on the basis of complete agreement that the matter the subject of the call-in process would be reconsidered by the Cabinet.

Councillor Chambers said he was concerned there could be room for misinterpretation of a private conversation and there might be a consequent need for an officer witness to any such conversation.

Councillor Dean then said there was no proper process to take decisions of the Scrutiny Committee to Cabinet. For example, the Committee's decision to recommend the Building Control Partnership should not proceed had not been formally reported back to the Cabinet. If there was nothing in writing to explain the reasons for the proposal on the agenda he could not support it.

The Democratic and Electoral Services Manager said that there was a procedure for reporting back to the Cabinet the findings of the Scrutiny Committee. He also confirmed that the call-in procedure remained available to the Scrutiny Committee in the normal way following the reconsideration of a matter by the Cabinet.

The Chief Executive gave reassurance to members that the change to the call-in procedure was not intended to undermine the role of the Scrutiny Committee as a counterbalance to the role of the Executive. There was presently no procedure in place for cancelling meetings and she considered this amounted to an inappropriate use of resources. There was a danger of the Council being brought into disrepute in these circumstances.

Councillor Dean proposed a discussion on the call-in procedure with the Chairman and Vice-Chairman of the Scrutiny Committee before any decisions were taken.

The Chairman then put the proposal on the agenda to the vote and it was approved by four votes to two.

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.

Appendix Two

Extract from Essex County Council's Scrutiny Handbook

(v) During the period specified in (iv) above, the proper officer shall call in the decision for scrutiny by the relevant Overview and Scrutiny Committee, if so requested in writing by a member of that Committee. The member will set out in writing the reasons for calling in the decision. The proper officer shall then call a meeting of the Committee on such date as he decides (where possible after consultation with the Chairman of the Committee) and in any case within ten clear working days of the request to call in.

(vi) On receipt of a notice of call-in the Governance Officer will:

(a) arrange for the notice to be acknowledged in writing;

(b) for the decision taker to be formally notified in writing of the receipt of a notice of call-in;
and

(c) for the Chairman of the Overview and Scrutiny Committee to be informed where the Chairman is not a party to the call-in.

(vii) Prior to the meeting of the Committee arranged under (v) above, the Chairman may, with the agreement of the Member calling the matter in, arrange an informal meeting between him, the Member calling in the decision and the decision taker to discuss the issue.

(viii) Where the call-in has been made as the result of representations from a Member who is not a member of the Committee, that Member will be invited to attend the informal meeting. The Governance Officer will attend the informal meeting and will within 24 hours produce a note for circulation to all parties to the meeting for approval.

(ix) Where at the informal meeting stage assurances are given by, or agreements reached with Cabinet Members, then those assurances or agreements must subsequently be confirmed in writing.

(x) A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the Committee