

Title of meeting:	Governance and Audit and Standards Committee
Date of meeting:	20 September 2019
Subject:	Scrutiny Call in arrangements
Report by:	Local Democracy Manager
Wards affected:	None
Key decision:	No
Full Council decision:	Yes

1. Purpose of report

1.1 For the committee to consider the request from Councillor Boshier (points 1- 4 below), to review the Council's Call-in rules and process and decide what it consequently supports to go forward to Full Council :

- 1) A suitable time limit for Scrutiny Management Panel to consider the call in
- 2) The subject decision of the Cabinet/Portfolio Holder be not implemented until the call in has been properly considered
- 3) The call in can be a lengthy process and perhaps should be the subject of a special meeting and not included on the agenda of a scheduled meeting.
- 4) If the call in is successful, and the subject report is referred back to the Portfolio holder or Cabinet for reconsideration, the original unaltered report should not be the subject for reconsideration.

2. Recommendations

It is recommended that having regard to the contents of this report that,

- 2.1 the Committee notes the current Call in rules/process, and
- 2.2 consider whether its wishes to recommend to Full Council any suggested changes as detailed in paragraph 4 below
- 2.3 further to 2.2 above, should the Committee support the changes as presented, the associated draft constitutional revisions are incorporated as track changes to section 15 - Call-In, (attached as Appendix A) as part of any recommendation to Full Council.

3. Background

- 3.1 The Council currently operates the Call in system as set out in Appendix A (which also has proposed tracked changes.)
- 3.2 Two valid Call Ins were made in 2018, the first was considered by the Scrutiny Management Panel on 21st September in relation to Cabinet decision made on 10th August. The second was considered by Scrutiny Management Panel on 9th November in relation to Traffic & Transportation portfolio decision made on 31st July.
- 3.3 The Council's current rules state that the city solicitor shall call-in a decision within twenty-four hours of receiving a valid written request to do so and shall place it on the agenda of the next meeting of the overview and scrutiny management panel on such a date as s/he may determine, where possible after consultation with the chair of the panel, and in any case set the meeting date within five clear working days of the decision to call-in. Owing to the infrequency of SMP meetings, this invariably requires convening a special SMP meeting to deal with the Call in, as was the case with the previous two Call Ins.
- 3.4 The current practice is for the City Solicitor to produce a report for SMP setting out the reason for the report and the background detail. It also includes an appendix containing the original report on which the decision was called in, the Decision notice issued, the Call In Request, a brief summary of reasons for it together with the procedure note for the meeting.
- 3.5 A valid Call In requires five members to put their name against the request to Call In a decision, within 5 working days of publication of the decision(s) and is subject to the following restrictions:
- i) Any decision which has already been the subject of call-in for the same reason;
 - ii) A decision which is urgent as defined in the Access to Information Procedure Rules;
 - iii) Decisions by regulatory and other committees;
 - iv) Decisions which are not subject to publication on the member information system or notification of decisions process;
 - v) A resolution which merely notes the report or the actions of officers;
 - vi) A resolution making recommendations to full council.
- 3.6 The Panel having considered the call-in, may resolve to take no action (in effect endorsing the original decision) or to refer the matter back to Cabinet/Portfolio holder for further consideration setting out the nature of its concerns. The report submitted to the decision making body should seek to address the concerns that have been expressed.

4. Suggested changes for consideration

4.1 **1- That on receipt of a valid Call In, a special meeting of the Scrutiny Management Panel (SMP) is to be convened to consider the matter within 10 working days. This timescale should be strictly adhered to, other than in exceptional situations approved by the Chair of SMP and communicated to the Call in members. Should there be a scheduled meeting within the 10 working days, in consultation and agreement with the Chair, the call in may be added to the agenda if deemed viable having regard to the volume of other business before the Panel. This tight timescale obviates the need to consider the change suggested at 1.1 (2) above.**

4.2 Under the current arrangements, a body of the Council that has a decision referred back to it, should already have a covering report from the Scrutiny Management Panel outlining the nature of any concerns. The report should also address the initial justification and reason for the call in, providing any additional information, clarification of alleged incorrect information, with revisions if applicable.

2- That in cases where the Scrutiny Management Panel resolves that it has concerns with the original decision and does not consequently endorse the original decision, the response report back to the Executive decision making body must address these and provide additional/updated information as is applicable.

4.3 A valid call in is determined as one that addresses the requirements of the process and has five members signing the request. Taking into account the six current exceptions to the call in rules (outlined in 3.5 above), the City Solicitor/Monitoring Officer needs to be content the request is valid and applies to one or more of the three categories below. To be compliant it also has to contain supporting justification, to be provided as part of the call in request by those members seeking it, namely it must clearly specify what they believe is incorrect, inaccurate or missing.

The existing categories for Members' Call In are set out below .

- (a) Believe the decision may be based on inaccurate or incorrect information (which is identified)
- (b) Believe the decision may have been taken without adequate information (of which the nature has been identified)
- (c) Believe the decision may be contrary to the council's agreed Budget and policy framework

3- That the request for call in is subject to the City Solicitor/Monitoring Officer's determination on whether the submission is valid, based on the information provided, before it can be submitted to SMP for consideration.

5. Equality impact assessment (EIA)

Nothing in this report affects in any way the protected characteristics as defined by the Equalities Act 2010.

6. Legal Implications

Any proposed constitutional changes consequently arising from this report will require Full Council approval.

7. Finance Comments

There are no direct financial implications arising from the recommendations in this report.

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Signed by:

Appendices:

Appendix A - Current Call in provision (Extract from Part 3 of the Council's Constitution the Policy and Review Panels (Overview and Scrutiny) Procedure Rules) incorporating proposed changes

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
A guide to call-in (Centre for Public Scrutiny)	https://www.cfps.org.uk/practice-guide-4/

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on