

8. Member Procedures

(b) Overview and Scrutiny Call in Procedure

Introduction

Overview and Scrutiny is a part of the Council's democratic structure led by non-executive councillors. It works to the common aim of improving services for the local community and is involved in:

- policy review and development – helping to shape the way public services are delivered.
- scrutinising decisions – is the right action being taken? Are services working effectively
- external scrutiny – examining services that impact upon the local community

Overview and Scrutiny does not make decisions; it uses evidence to make recommendations to the Executive to request change.

The Overview and Scrutiny Committee act as a crucial part of the Council's governance arrangements and decision makers should always have Overview and Scrutiny at the forefront.

Decision makers should always consider if engagement with Overview and Scrutiny would add value to their decision, ensure that non-Executive Members have a role in the decisions and to ensure broad support to avoid a call in. Engagement with Overview and Scrutiny should be at the earliest stages to ensure they can meaningfully add value to decisions. As such, the power of call in should be used sparingly and reserved for exceptional circumstances.

'Call in'

Under the Local Government Act 2000, Overview and Scrutiny has the power to review or scrutinise decisions made which are in within the Executive function and remit.

This means that Overview and Scrutiny can review or scrutinise decisions taken but not implemented and can ask the original decision maker to reconsider their decision. The 'call in' process temporarily pauses the implementation of a decision.

The call in process

1. The call in process applies to those within the Executive function and remit:
 - a) Decisions made by the Executive Committee as a whole.
 - b) Decisions made an individual Executive Member.
 - c) Key decisions delegated by the Executive to an Officer of the Council.

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2. Notice of these decisions are circulated to all Councillors in writing within two working days of being made and will give notice of the further five working day deadline for any call in requests.
3. Those Councillors who can request a call in:
 - a) Any 5 Members of the Council OR
 - b) Any 3 Members of the Overview and Scrutiny Committee, providing those 3 Members represent more than one Political Group or unaligned Councillors.
4. Councillors may request to call in a decision to the Monitoring Officer within 5 working days of the decision notice being published. The Monitoring Officer will provide an appropriate form for Councillors to complete to request a call in and provide information relating to the request.
5. In order to accept the request, the call in request must demonstrate:
 - a) that the decision has been made outside the Council's Budget and Policy framework: or
 - b) that the decision has been made outside of the Council's Constitution, decision making principles or the decision maker's remit; or
 - c) that the decision has been made without sufficient evidence or rationale in support of the decision and not all relevant matters were taken into account; and
 - d) That the Councillors requesting the call in have consulted and have regard to advice from either the relevant Director, Head of Service or the Monitoring Officer and clearly state their reasons for request to call in a decision.

The Monitoring Officer may reject a request for call in if it fails to meet any of the grounds listed above, fails to provide relevant evidence in support of the call in. In exceptional or unforeseen circumstances, the Monitoring Officer may grant a request for a call in if it does not meet the grounds listed above.

6. On receipt of correctly completed call in request supported by the requisite number of Councillors, the Monitoring Officer will inform the requesters and the original decision maker(s) of the request.
7. The Monitoring Officer will ensure that a meeting of the Overview and Scrutiny Committee is arranged at the earliest opportunity to consider the call in request.
8. Any request for call in may be withdrawn at any time before it is considered by the Overview and Scrutiny Committee by those 5 or 3 Councillors who originally requested it (depending on point 3a or 3b – the criteria must always be met for a valid call in). If a call in request has been withdrawn or fails to meet the criteria, and it is after the 5 working day period to request a call in, the decision can be implemented.

Procedure at the Overview and Scrutiny Committee Meeting

1. When a decision is 'called in', a report will be prepared for the meeting. It will detail the decision that has been called in, the names of the councillors making the call in, and the reason(s) given, a copy of the decision and any report(s) or documents that

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were considered by the original decision maker. This will normally be sent out as part of the agenda and meeting summons.

2. If the meeting is an extraordinary/special meeting of the Committee, it will be considered so under Section 4 of the Constitution. If the item is included as part of the agenda of the next scheduled Committee meeting, it will be considered as a usual agenda item as part of that meeting's agenda.
3. Consideration may be given to hold the meeting in another location, if it is specific to one area/ward.
4. The relevant Executive Member(s), Director and Head of Service will be advised of the call in to ascertain if they wish to submit any written observations for the meeting to consider. There will be a right for the relevant Executive Member(s) to attend and speak about the decision, which is the subject of the call in, if they choose.
5. In advance of the meeting, the Members who have made the call in can request the report to provide specific information in support of the call in if those Members feel additional information is needed to adequately consider this matter and this was not available in the original report.
6. With the agreement of the Chair, Members may request that an Officer of the Council or external special/expert witnesses attend to provide further information, give evidence or to be questioned. A reasonable period of notice (3 working days) needs to be given to allow this. For example, but not limited to, partner organisations, outside organisations and community groups.
7. Suggested running order for the call in item:
 - i) Chair to open the agenda item.
 - ii) Call in requester(s) to present their call in (a lead spokesperson should be nominated to present the call in).
 - iii) External special or expert witnesses may be called to provide further information or provide additional evidence.
 - iv) The relevant Executive Member(s), supported by Officers, may respond to the call in request and evidence heard.
 - v) The Committee will then have an opportunity to ask clarification questions.
 - vi) The Committee will then be able to debate the call in request and their proposed recommendation.
 - vii) The relevant Executive Member(s) and officers in attendance to have the opportunity to advise the Committee as part of the debate and/or the proposed recommendation.
 - viii) The Committee make a recommendation on the call in request.
8. The Committee will then make a recommendation on the item which will at least include one of the following options:
 - a) the decision should not be challenged and that it will then be implemented in accordance with the original decision, or
 - b) a different course of action can be recommended the original decision maker to consider with any available supporting evidence.

Following the Overview and Scrutiny Committee meeting

If the Committee recommend the original decision be implemented, it can be implemented immediately.

If the Committee recommend a different course of action to the Executive Committee, it will be reported to the next available Executive Committee meeting for the Executive to determine.

If the Committee recommend a different course of action to an Executive Member Decision, it will be for the Executive Member to decide upon themselves what decision to make and reported to at the next available Executive Committee meeting.

If the Committee recommend a different course of action to key decision taken by an Officer, it will be for the Officer to decide upon themselves what decision to make and reported to at the next available Executive Committee meeting. However, Officers may refer back to the Executive Committee to make such decision at the next available Executive Committee meeting.

The result of the Committee's recommendation(s) and any resulting decisions will be reported to the next Overview and Scrutiny Committee meeting for information.

The Committee will report on the number of requests for call ins annually in the Overview and Scrutiny Committee Annual Report.