

# Section 31

## Scrutiny and Call-In

### Procedure Rules

#### 1. Reports to Scrutiny Committee

1.1 Cabinet, other Committees, and Members may refer matters to the relevant Scrutiny Committee for their consideration.

1.2 When a Scrutiny Committee have considered a matter and reached a conclusion, they will minute their decision and, if it is considered necessary, prepare a formal report and submit it to the Cabinet, or other Committee or Council as appropriate.

Once a report has been submitted, it shall be considered by Cabinet or the appropriate committee as soon as practicably possible. If for any reason, there is an undue delay it will be referred to Council for review. The Managing Director will call a Council meeting to consider the report and make an appropriate recommendation.

1.3 On consideration of a called-in decision, if it is determined that the recommendations would require a departure from or a change to the agreed budget and policy framework, Cabinet will refer its recommendations to Council for consideration.

#### 2. Committee Procedure Rules

2.1 Council Procedure Rules applicable to committees under Council Procedure Rule 22 will apply to all Scrutiny Committee meetings.

2.2 Where any Member or Officer is required to attend a Scrutiny Committee the Chair will inform the Managing Director. The Managing Director shall notify the Member or lead Officer in writing giving at least 8 working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the person who has been called to attend will be given sufficient notice to allow for preparation of that documentation and its circulation at least 5 clear working days before the meeting.

2.3 Where the Member or lead Officer is unable to attend on the required date, then the Chair of the relevant Scrutiny Committee shall in consultation with that Member or lead Officer arrange an alternative date for attendance.

### **3. The Call-In Procedure**

- 3.1 A key function of a Scrutiny Committee is to hold the Executive to account for the discharge of its functions including scrutinising Executive decisions before they are implemented – known as ‘Call-In’.
- 3.2 Call-in can be used whenever an Executive decision, which is not made under Special Urgency Rule 14 of Section 28 is not yet implemented. The effect is to prevent implementation until the relevant Scrutiny Committee has examined the decision and made no referral and recommendation to either Cabinet or Council, or the referral has been decided by Cabinet or Council in favour of the decision.
- 3.3 The Statutory Guidance requires local authorities to make provision in their executive arrangements:
- (i) To ensure that there is an appropriate balance between effectively holding the executive to account, being able to question decisions before they are implemented and allowing effective and efficient decision making by the executive within the Policy Framework and Budget.
  - (ii) To ensure that any call-in procedure is not abused or used unduly to delay decisions or slow down the process of decision making, and
  - (iii) To develop local conventions and protocols to prevent abuse of a Scrutiny Committee’s powers to recommend that decisions made, but not yet implemented, be reconsidered.
- 3.4 In order to meet these requirements the Council adopts the following procedure:
- (i) The Cabinet (Executive) publishes within 3 working days decisions made at a Cabinet meeting. There is then a period of 5 working days during which decisions can be subject to call-in.
  - (ii) To call-in a decision five Members, of whom two must be members of the relevant Scrutiny Committee and none of whom may be Cabinet Members, must complete and return a form requesting and supporting the request for a decision to be called in, within 5 working days after the publication of the decision.
  - (iii) The call-in form should also present a motion which will be proposed at the Scrutiny Committee, and which will contain a request that the decision is referred back to Cabinet or on to Council to be re-considered, and a proposed recommendation to accompany the referral.
  - (iv) The call-in form must also include clear reasons why the motion is being requested. Examples of sound reasons are listed in Section 10 (Decision Making).
  - (v) The Managing Director is responsible for notifying the appropriate Officer to ensure that all action to implement a decision subject to call-in is suspended and that the decision is not implemented for the duration of the call-in. The matter is then referred to the relevant Scrutiny Committee for consideration.

- (vi) A meeting of the relevant Scrutiny Committee is to be held within 20 working days from the end of the call-in period. A report will be prepared by the appropriate Officer (which identifies those Members who have made and support the call-in), containing the original Cabinet report and an extract from the Cabinet Minute.
- (vii) Arrangements will be made by the Managing Director to invite to the Scrutiny Committee those persons who the Members requesting the call-in wish to be present (as specified on the call-in form).

3.5 The procedure for debating the call-in at the meeting will be as follows:

- (i) A Proposer, who shall be one of the Members of the Scrutiny Committee requesting the call-in, shall read their motion, formally propose the motion and give the reasons for the call-in.
- (ii) If none of the members of the Scrutiny Committee who requested the call-in are present the Chair shall ask if any other member of the Scrutiny Committee will propose the motion. If no member proposes the motion the call-in will be deemed to have been withdrawn.
- (iii) Once the motion has been seconded the Chair shall allow those others of the five members who requested the call-in and who are present to speak before any debate.
- (iv) Scrutiny meeting Procedure Rules will apply (see 2 above).
- (v) A Scrutiny Committee may exercise their statutory powers to invite such persons and request such information as they consider necessary to facilitate their examination of the matter and they may adjourn the meeting if necessary to facilitate this.
- (vi) Prior to Members of the Committee debating the call-in, other Members of the Council present and other invited persons who are not Members of the Scrutiny Committee will be requested to sit in the public gallery.
- (vii) The relevant Cabinet Member may remain in the chamber and answer questions put through the Chair. The Cabinet Member may speak at any time if invited by the Chair. The Chair will invite the Cabinet Member to exercise a right of reply at the end of the debate before the proposer of the motion exercises their right of reply.
- (viii) During the course of the debate Members of the Committee may propose minor amendments to the motion with the consent of the Proposer (or the stand-in Proposer).
- (ix) The Committee may:
  - (a) reject the motion, or
  - (b) refer the decision back to the Cabinet for reconsideration with a recommendation.

- (c) refer the matter to full Council with a recommendation for a decision.
- (x) A formal written decision will be made on the call-in within ten days of the Scrutiny Committee first meeting.

### **Call-In and Urgency**

- 3.6 The call-in procedure shall not apply where the Leader of each political Group (or, in their absence, their deputy or nominee) has agreed that any delay likely to be caused by a call-in would seriously prejudice the Council's or the public's interests.
- 3.7 The record of the decision and notice by which it is made public shall state that the decision is an urgent one, and therefore not be subject to call-in and the matter shall be reported to the next meeting of the relevant Scrutiny Committee for information.
- 3.8 In the absence of agreement in accordance with paragraph 3.6 a meeting of the relevant Scrutiny Committee shall be convened as soon as reasonably practicable to consider the matter without the necessity of the call-in procedure being invoked.
- 3.9 On consideration of the matter the Committee may:
  - (a) Take no action allowing the Cabinet decision to be implemented.
  - (b) Refer the decision back to the Cabinet for reconsideration with a recommendation.
  - (c) Agree an amended decision with the relevant Cabinet Member which may then be implemented.
- 3.10 If a motion in accordance with 3.9 is proposed and seconded the debate shall be conducted in accordance with the Scrutiny Committee Procedure Rules (see 2 above).
- 3.11 The Chair will invite the Cabinet Member to exercise a right of reply at the end of the debate before the proposer of the motion exercises their right of reply.
- 3.12 If no member of the Committee proposes a motion the Cabinet decision may be implemented.

### **Safeguards**

- 3.13 The following safeguards will apply so as to ensure that decisions are not called in unnecessarily or that the call-in process is abused:
  - (i) The Cabinet (Executive) minutes contain sufficient information to explain the decision and the reasoning behind it. The Cabinet (Executive) minutes are structured in such a way as to indicate clearly which matters are subject to call-in.
  - (ii) No matter may be called-in more than once.

- (iii) Any Member proposing that a matter be called-in should first discuss this with the appropriate portfolio Leader or in their absence the Council Leader or Deputy Leader. This provides opportunity for detailed explanation of the decision and further information.
- (iv) Members of the Scrutiny Committee should be present for all of the debate prior to them exercising their vote to ensure that Members of the Committee make an informed decision based on the evidence presented.

### **Support from Officers**

- 3.14 The role of Officers is to support both the Scrutiny and Executive functions and as such they will provide impartial and objective advice to all Members. Officers will avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by Officers on the Executive's policies and actions will always be consistent with the requirement for officers to remain politically impartial.
- 3.15 Officers in supporting the Scrutiny function may exercise this role in person, they may be supported by other officers, or they may choose to nominate a particular officer to assist a Scrutiny Committee with a specific issue.
- 3.16 Members of a Scrutiny Committee may wish to seek the advice of the Monitoring Officer where it is considered that a decision of the Executive might be contrary to the policy framework.
- 3.17 Any Member submitting a request for a matter to be called-in, will be entitled to receive advice and support from Officers as appropriate and/or the Managing Director.

## **4. Scrutiny Committee Access to Documents**

- 4.1 Subject to the limit below, members of a Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive, and which contains material relating to any business transacted at a meeting of the Cabinet, or any key decision taken by an Officer within the Terms of Reference of the Committee.

### **Limit on rights**

- 4.2 Members of a Scrutiny Committee will not be entitled to:
  - (a) any document that is in draft form, or
  - (b) any part of a document that contains exempt or confidential information unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise or which is contained in any programme of work for the Committee.

## **5. The Party Whip**

- 5.1 When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.