

Scrutiny Programme Board – Allocation of Call-in Notices

The Call-in procedure is set out in Rule 16 of the Overview and Scrutiny Procedure Rules. A copy of this Rule is in Appendix 1. All Cabinet decisions (other than those referred to the Council for decision or certified urgent by the Cabinet) may be called-in. A call-in must be made within five days of the publication of the Cabinet decision. The called-in matter then needs to be referred to Overview and Scrutiny within 15 working days of the receipt of that notice.

Paragraph (iv) of the Scrutiny Programme Board's Terms of Reference (as amended in 2009) provides that the Board has the power to:

(iv) consider any call-in notices in relation to any executive functions and determine such notices or allocate them to one or more of the five themed overview and scrutiny committees as it considers most appropriate.

Therefore, all Call-in Notices are referred to the Scrutiny Programme Board. It is entirely a matter for the Board whether they choose to consider the Call-in Notice themselves, or to refer it to one or more of the themed Overview and Scrutiny Committees. Members of the Scrutiny Programme Board have previously pointed out that if all Call-in Notices have to be considered by the Board, if they are then referred to a themed Overview and Scrutiny Committee, it will be difficult logistically to deal with the matter within the prescribed 15 working days from receipt of the original Call-in Notice. This issue was one reason why the Board asked Council to consider revising its Terms of Reference. However, as Members will know, that request was not supported by Cabinet and was not accepted by Council. Therefore, the Terms of Reference of the Board remain those set out in Appendix 2 (including Paragraph (iv), as set out above).

In the event that any Members of the Scrutiny Programme Board consider that a Call-in Notice should be referred to one or more of the themed Scrutiny Committees, I suggest that the matter is discussed with the Chair and Spokespersons on the Board. If it is clear from those discussions that the proposed referral is likely to command majority support at the Board, I suggest that the Chair/s of the relevant themed Scrutiny Committee/s contact Committee Services and ask that meetings of the relevant themed Scrutiny Committee/s are called in anticipation of the Board allocating the Call-in Notice in that manner.

Bill Norman

Director of Law, HR and Asset Management

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Appendix 1

Overview and Scrutiny Procedure Rules – Rule 16 – Call-in

- (a) When a decision is taken by Cabinet, committee of the Cabinet or individual Cabinet member (other than one referred to the Council or which is certified urgent by a unanimous decision of the Cabinet – see paragraph 17 below) and notified to all members of the Council (by electronic and/or other means) any Leader or Deputy Leader of a political group or any five members of the Council may by notice in writing submitted to the Director of Law, HR and Asset Management within five working days of such notification require that the decision be not implemented and be referred to the relevant Overview and Scrutiny Committee for scrutiny within a further fifteen working days from receipt of the notice. Any such notice must specify the decision in question, the reason for call-in and be signed by the members concerned. The relevant Chief Officer and all members will be notified of a call-in immediately and no action will be taken to implement the decision until the call-in procedure has been completed. Any meeting to consider a call-in which is adjourned must be reconvened and completed within ten working days, where practically possible. A decision of Cabinet, committee of the Cabinet or individual Cabinet member may be ‘called in’ only once.
- (b) When a matter is referred to an Overview and Scrutiny Committee the Chair of that committee may require the presence of the relevant Cabinet member and any Council officer to answer questions on that matter and may require the production of appropriate documents or reports in the custody of the Council or may call for additional reports.
- (c) If the Overview and Scrutiny Committee disagrees with the decision it may either ask Cabinet to reconsider the decision or refer it to full Council for consideration if it considers that the decision is contrary to the policy framework or not in accordance with the budget. The Chair of the Overview and Scrutiny Committee shall have the opportunity to explain the Committee’s views to the Cabinet or Council as appropriate.
- (d) If the Overview and Scrutiny Committee agrees with the decision the relevant Chief Officer may implement it. In the event of any political group not agreeing with the majority decision of the Overview and Scrutiny Committee it may prepare a written minority report for consideration by Council when the minutes of the Overview and Scrutiny Committee are considered. Any such report must be handed to the Director of Law, HR and Asset Management in accordance with Standing Order 12(2). The Leader of the relevant group or his/her representative will have an opportunity to explain the minority report to the Council and Council may discuss and vote for or against such a report without prejudice to any decision already implemented.
- (e) In considering any matter called in the Overview and Scrutiny Committee shall have regard to the call-in Guidelines at Appendix 2 to the Constitution.

Appendix 2

Scrutiny Programme Board – Terms of Reference

The Scrutiny Programme Board will:

- (i) approve and co-ordinate the work programme for the five themed overview and scrutiny committees including resolving any conflict between such committees;
- (ii) allocate work to (or remove work from) any of the five overview and scrutiny Committees
- (iii) review or scrutinise decisions made or other actions taken in relation to any executive functions, particularly (but not exclusively) in relation to crosscutting issues or matters not within the terms of reference of any of the five themed overview and scrutiny committees.
- (iv) consider any call-in notices in relation to any executive functions and determine such notices or allocate them to one or more of the five themed overview and scrutiny committees as it considers most appropriate.
- (v) be responsible for the development and monitoring of an annual scrutiny work programme;
- (vi) undertake scrutiny in its own right with regard to cross-cutting or strategic issues not covered by other overview and scrutiny committees;
- (vii) identify and share good scrutiny practice across all overview and scrutiny committees.