

## **Appendix D**

### **Essex County Council Call-in item procedure note - template**

*Within the parameters of the Council's Constitution, the Chairman of the relevant committee has some scope to adjust the format of the meeting in order to best adapt to the circumstances of a specific call-in(s). This applies in particular to the order of events and the amount of time given for each segment of the meeting (as indicated in the procedure note below). Where significant deviation from this procedure is proposed, it is recommended that the chairman share his intention with the parties to the call-in as much in advance of the meeting as possible.*

*The following text is to be completed by the Chairman and included in scrutiny committees' published agenda papers when considering decisions which have been called-in:*

#### **Procedure for the Committee's consideration of this call-in**

A call-in may be withdrawn by the author at any time. If the call-in is withdrawn before this call-in item is held, this process will not be necessary.

The focus of the Committee for the call-in item at today's meeting should be the Cabinet Member's decision on the Review of Essex Education Services (FP/102/03/18) as set out at Appendix A to this report, and the debate should be limited to the specific reasons given for the call-in itself as set out by Councillor John Baker (with support from Councillors Deakin, Mackrory and Robinson in Appendix B to this report).

1. A procedure for the meeting is set out below. However the Committee may decide (as a committee) to depart from this process.
2. Any questions from the public will be asked at the start of the meeting, not at the start of this item. If any member of the public wishes to ask a question they must make their intention known to the Democratic Services Officer or Senior Democratic Services Officer before the start of the meeting. The Chairman may allow the question to be answered immediately, or during the call-in item as part of the debate, or may arrange for a written response to be provided after the meeting. If written answers are to be supplied after the meeting then the person must ensure their contact details are known to the Democratic Services Officer or Senior Democratic Services Officer.
3. At the start of the Call-in item the Chairman will:
  - a. Introduce and welcome members and contributors.
  - b. Remind members and contributors of the Committee's expectation that only the issues raised in the call-in notice (Appendix B) will be considered and that if anyone wishes to raise new matters then they may only do so with the permission of the Chairman.
  - c. Indicate the proposed order of business (ie this procedure note)

- d. Remind the Committee of the three courses of action open to them which are:
  - i. To allow the decision to be implemented without further delay.
  - ii. To refer the decision back to the person who made the decision with such recommendations as the Committee think appropriate (noting that the decision-maker may then amend the decision or not within 5 working days - it cannot be called in again).
  - iii. To refer the decision to full Council (noting that full Council cannot overturn the decision. Full Council can either allow the decision to be implemented or refer it back to the decision maker).
4. As the originator of the call-in, Councillor Baker will be allowed a total of 20 minutes to present the call-in with up to 3 supporting contributors of their invitation sharing that time. Where there is more than one call-in of any one item of business this time will be shared between them.

Everyone speaking must ensure that their speech is relevant to an issue in the call-in notice, unless the Chairman agrees otherwise.

Thereafter, at the Chairman's discretion, there may be some limited questioning on points of clarification around the case for the call-in.
5. As the decision-maker, Councillor Gooding will be allowed 20 minutes to present a response to the call-in with up to 3 supporting contributors of their invitation sharing that time.

Everyone speaking must ensure that their speech is relevant to an issue in the call-in notice, unless the Chairman agrees otherwise or they are responding to an issue already raised during the call-in item.

Thereafter, at the Chairman's discretion, there may be some limited questioning on points of clarification around the decision made by Councillor Gooding.
6. There will then be a period during which the Committee may ask questions of anyone who has provided information in support of or in opposition to the call-in and may discuss any issues.
7. **Any member of the Committee may then propose either:**
  - a. **To allow the decision to be implemented without further delay.**
  - b. **To refer the decision back to the person who made the decision with such recommendations as the Committee think appropriate.**
  - c. **To refer the decision to full Council.**
8. This motion must be seconded. The Committee will then vote upon that motion.
9. In the case that the Committee agrees option b or c, the chairman should describe arrangements for the committee's concerns to be recorded for the attention of the decision-maker or full Council as appropriate.

## **Appendix B - Extract from Essex County Council's constitution**

### **20.15 Call-In**

- (i) Call-in should only be used in exceptional circumstances. Day-to-day management decisions or routine operational decisions should not be subject to call-in.
- (ii) Subject to paragraph (xix) any decision taken by
  - (a) the Cabinet;
  - (b) any Member of the Cabinet; or
  - (c) any joint body or partnership specified in paragraph 13.3may be called in to the Overview and Scrutiny Committee whose remit includes the subject matter of the decision. A decision may be called in by
  - (a) any Member of the relevant Overview and Scrutiny Committee;
  - (b) any Member of the Council who has the support of a further three Members of the Council; or
  - (c) with the agreement of the Chairman of the relevant Overview and Scrutiny Committee, any Member of the Council who represents a Division which is particularly affected by the decision in question.
- (iii) Where a decision is made by the Cabinet or an individual Cabinet Member the decision shall be published (including where possible by electronic means) and shall be available at the main offices of the Council within three clear working days of being made. Members of the relevant Overview and Scrutiny Committee shall be sent copies of the notice of all such decisions also within three clear working days.
- (iv) The notice publishing such decision shall bear the date upon which it is published and will specify that the decision will come into force and may then be implemented on the expiry of three clear working days after publication unless called in.
- (v) A decision is called in if during the period specified in (iv) above a valid written call in notice is received which specifies the reasons for the call in. 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 receipt of the request to call in.
- (vi) On receipt of a notice of call-in the Scrutiny 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 Scrutiny 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.
- (xi) If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the Committee. The Committee should meet within 10 clear working days of the notice of call-in. Wherever possible scheduled meetings of the Committee will be used. Where this is not possible the Scrutiny Officer will liaise with the parties concerned and the Group Spokespersons on the Committee to arrange a special meeting.
- (xii) The Scrutiny Officer will liaise with the parties concerned on behalf of the Chairman of the Committee to ensure that all those with a reasonable interest in the decision have an opportunity to be represented at the meeting, including any Member whose representations have led to the call-in.
- (xiii) Having considered the decision, the Committee may refer it back to the decision taker setting out in writing its concerns or refer the matter to the full Council also with a record of its concerns. Upon a referral to a decision taker, the decision shall be reconsidered within five clear working days amending the decision or not before adopting a final decision.
- (xiv) If the Committee does not refer a decision to either the decision taker or the Council, the decision shall take effect at the conclusion of the meeting of the Committee.
- (xv) Following consideration of a call-in by the Committee, the Scrutiny Officer will liaise with the Chairman and Group Spokespersons to agree the formal notification of its decision to go to the interested parties and,

if the call-in is referred to Council, to agree the wording of the report to Council.

- (xvi) If, following a reference of a decision from an Overview and Scrutiny Committee, the Council objects to that decision it will be referred to the decision taker together with the Council's views. The decision taker will reconsider the decision within five clear working days deciding whether or not to amend the decision before implementing it.
- (xvii) If the Council does not refer a decision to a decision taker then the decision shall take effect at the conclusion of the meeting of the Council.
- (xviii) A request to call-in a decision may be withdrawn at any time by those making the request.
- (xix) The call-in procedure set out above does not apply where the decision being taken is urgent. A decision is urgent if any delay is likely to prejudice the Council's, the public's or individuals' interests. The record of a decision and the notice by which it shall be made public shall state whether in the opinion of the decision taker (if an individual) or the Leader of the Council it is an urgent one and therefore not subject to call in. The Chairman of the Council must agree both that the decision proposed is reasonable and that it should be treated as a matter of urgency. In the absence of the Chairman the Vice-Chairman's agreement is required. In the absence of both, the agreement of the Head of the Paid Service (or his nominee) must be obtained. Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council together with the reasons for urgency.

All parties will be advised of this procedure each time an executive decision is called in.