

Overview and Scrutiny Committees

Procedure for dealing with Call-ins

Introduction

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

Constitution

2. This procedure complements the call-in arrangements set out in the Constitution in the Overview and Scrutiny Committee Procedure Rule. The Procedure Rule takes precedence.

Notification of call in

3. The notification of call in should be set out in the format attached to this document.

Receipt of call in

4. On receipt of a valid notice of call-in made in accordance with the Overview and Scrutiny Committee Procedure Rule, 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 Committee to be informed where the Chairman is not a party to the call-in.

Reasons for call in

5. The member giving notice must in accordance with the Procedure Rule set out in writing the reasons for calling in the decision. It is important to get this right. If the call in reaches the Committee stage, the debate, including any evidence from witnesses, will be restricted to the grounds given for the call in. In addition, where the decision is being called-in following representations made by a Councillor who is not a member of the Committee, with that Councillor's agreement he/she should be identified in the reasons for the call-in and can therefore be acknowledged in the rest of the procedure.

Informal meeting

6. The informal meeting stage of the arrangements is of great value and could take a number of forms. If it is decided to proceed via an informal stage and no other arrangements emerge, the Scrutiny Officer will, as a matter of urgency, liaise with all interested parties to set up an informal meeting. Where the call-in has been made as the result of representations from a councillor who is not a member of the Committee, that councillor will be invited to attend the informal meeting. The Scrutiny Officer will normally attend the informal meeting and will within 24 hours produce a note for circulation to all parties to the meeting for approval.

7. A Vice-Chairman from the respective Policy and Scrutiny Committee will ordinarily chair the informal call-in meeting at the discretion of the Chairman of the Committee.
8. Where at the informal meeting stage assurances are given by or agreements reached with Cabinet Members and the Scrutiny Officer is not present to take a note then those assurances/agreements should subsequently be confirmed in writing.
9. 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.

Committee stage

10. 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.
11. 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 councillor whose representations have led to the call-in. Call ins relating to Schools issues not dealt with by the People and Families Scrutiny Committee)
12. If the Call-in relates to a Schools issue then the representatives of Parent Governors and Diocesan Education Committees must also be invited and would have the right to vote on that particular item. This should be confirmed on the notification of call in. (It should be noted that where the Education representatives attend with voting rights affecting the numbers eligible to vote on the Committee, the Administration is ultimately entitled to a natural majority of one over all other voting members.)

Information to be available for the Committee

13. The Committee will automatically be provided with copies of the decision, the reasons for the call in and the note of any informal meeting as part of the Agenda papers put together by the Scrutiny Officer. As much additional evidence as possible should be provided in advance of the meeting and in writing of not more than two sheets of A4. Should the occasion arise where more than two sides of A4 are required, the Scrutiny Manager will exercise his discretion as to whether this be allowed. This applies also to any statement to be made by outside witnesses. Maps and plans should also be made available where applicable. The intention is that the Committee should have a proper opportunity to assess the information being provided by both sides and to seek additional clarification as necessary.

Calling of witnesses

14. Witnesses may be called by either side. They will be expected to speak to the reasons for the call in. They will normally be given a maximum of three minutes each to address the Committee, subject always to the discretion of the Chairman. When calling witnesses attention should be given to the quality rather than the quantity of witnesses. Each witness should have something new and relevant to say to the Committee. The Chairman will exercise his discretion to curtail any witness simply repeating anything that has already been clearly explained.

Committee meeting

15. The procedure at the meeting will be as follows:
 - The councillor responsible for the call in will be given the opportunity to make the case for calling in the decision.
 - Any local member associated with the call in will then be invited to speak.
 - Other interested parties will then provide evidence to the Committee.
 - The Cabinet Member will then be given the opportunity to answer the case and seek to justify the decision taken.
 - There will then be an opportunity for other members of the Committee to ask questions.

Chairing the meeting

16. The member responsible for the call in should not also Chair the meeting. If the Chairman is responsible for the call in the Vice-Chairman should take the Chair for that item. In the absence of the Chairman the Vice-Chairman should not take the Chair if he/she is responsible for a call in to be discussed at that meeting. If it is known that neither the Chairman nor the Vice-Chairman will be available to Chair the meeting arrangements will be agreed in advance with the Group Spokespersons.

Action following the meeting

17. Following consideration of a call-in by the Committee, the Governance 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.