

Overview and Scrutiny Procedure Rules

1. INTERPRETATION

For the purposes of the Overview and Scrutiny Procedure Rules:–

“Call-In” means the review and scrutiny of a relevant decision in accordance with the procedure set out in paragraph 12 below;

“Call-In Procedure” means the review and scrutiny of a Relevant Decision in accordance with paragraph 10 by means of which a Requisitioner is able to require that an Overview and Scrutiny Management Committee or (where referred to full Council by Overview and Scrutiny Management Committee) the full Council is to consider whether to recommend that the decision in respect of which a Call-In Notice has been deposited is be reconsidered by the relevant Decision-Maker. The expressions “Call-In”, “Called-In and “Calling-In” shall be construed accordingly and shall refer to a Relevant Decision that has been or may be the subject of call-in.

“Call-In Notice Form” means a form to be completed to request Call-In of a Relevant Decision as may be approved by the Scrutiny Manager from time to time;

“Call-In Report” means the report considered by the Overview and Scrutiny Management Committee at its Call-In Meeting in the format the Scrutiny Manager directs from time to time.

“Called-In Decision” means a relevant decision in respect of which a Call-In Notice has been deposited with the Scrutiny Manager;

“Church Scrutiny Member” means one or both of the two persons who have been appointed as members of the Overview and Scrutiny Management Committee in accordance with Paragraph 7 of Schedule A1 to the 2000 Act;

“Contrary Decision” means a Key Decision in respect of Executive Functions that is–

- (a) contrary to any plan or strategy approved by the Full Council as part of the Policy Framework (or which is outside any limits of variation where this has been delegated as part of the approved plan) ;or
- (b) not wholly in accordance with the budget (or which is outside any limits of variation / virement where delegated as part of the Budget or where contained in Financial Procedure Rules).

“Decision Maker” means the Executive, committee of the Executive or individual Executive Member or Officer who took, or intends to take, a relevant decision;

“Final Disposal” of a Called-In Decision occurs in the following circumstances (and “finally disposed of” shall be construed accordingly) –

- (a) Where the Overview and Scrutiny Management Committee decides to act in accordance with paragraph 12.12.1 or 12.12.3 below; or
- (b) where it decides to act in accordance with paragraph 12.12.2, and thereby referring the question of reconsideration to full Council, a decision by full Council not to ask the Decision Maker to reconsider; or
- (c) where either the Overview and Scrutiny Management Committee or full

Council decides to ask the Decision Maker to reconsider the called-in decision, a decision by the Decision Maker to either not do so, or to reconsider and take the same or another decision in relation to the subject matter of the called-in decision.

“Relevant Decision” means a decision made by the Executive, either individually or collectively, which has not yet been implemented OR a key decision made by officers under delegated powers, which has not yet been implemented;

“Request for Attendance Notice” means, following a resolution of a Scrutiny Body, a request made in writing for the attendance of an Executive Member and/or any Officer before it;

“Parent Scrutiny Member” means one or both of the two elected parent governor representatives appointed as members of the Overview and Scrutiny Management Committee in accordance with Paragraph 7 of Schedule 1 to the 2000 Act;

“Scheduled Meeting” means a meeting in a programme or calendar of meetings approved in advance by the body in question;

“Scrutiny Body” means, unless otherwise stated, Overview and Scrutiny Management Committee and the Scrutiny Panels;

“Scrutiny Member” means a person appointed as a member of a Scrutiny Body, whether a Councillor or a person who is not a Councillor, and (unless otherwise indicated) includes a Church or Parent Scrutiny Member;

“Scrutiny Panel” means a Standing Scrutiny Panel, Special Scrutiny Panel or Scrutiny Commission. These bodies shall be deemed to be “overview and scrutiny committees” for the purposes of Part 1A Section 9 of the 2000 Act;

“Scrutiny Programme” means the programme of individual inquiries/reviews to be undertaken by the Scrutiny Panels approved in advance by the Overview and Scrutiny Management Committee;

“Scrutiny Request Form” means a form approved by the Service Director: Legal & Business Operations from time to time for the purpose of an item to be placed on the agenda of the Scrutiny Body;

“Statutory overview and scrutiny functions” means the following –

- to review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the executive;
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area;

- to review and scrutinise, in accordance with regulations under section 244 of the National Health Service Act 2006, matters relating to the health service (within the meaning given by that Act as extended by that section) in the authority's area;
- to make reports and recommendations on such matters in accordance with the regulations under section 244 of the National Health Service Act 2006;
- to, under section 19 of the Police and Justice Act 2006, review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
- to review or scrutinise a decision made but not implemented includes power:
 - to recommend that the decision be reconsidered by the person who made it, or
 - to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.

2. OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

2.1 The Council will ensure that it establishes committees and sub-committees that between them will undertake the statutory overview and scrutiny functions, as consolidated in Part 1A Section 9 of the 2000 Act, the Police and Justice Act 2006 and the Health and Social Care Act 2012.

2.2 The Council will appoint a committee, called "the Overview and Scrutiny Management Committee" (OSM Committee), the purposes and terms of reference of which will be to arrange for the undertaking of the statutory overview and scrutiny functions in accordance with this Article. In particular OSM Committee will –

2.2.1 Set the framework:

- Approve a framework for the effective discharge by the Council of the statutory overview and scrutiny function by itself and its Scrutiny Panels ;
- With the exception of matters within the remit of the Health Overview and Scrutiny Panel, prepare a Scrutiny Programme of individual inquiries or reviews to be undertaken by the Scrutiny Panels; including the areas, issues and subjects to be covered, over the forthcoming municipal year;
- Appoint such sub-committees as it considers appropriate to fulfill the overview and scrutiny functions on behalf of the Council;
- Where matters fall within the remit of more than 1 overview and scrutiny sub-committee, determine which of those sub-committees will assume responsibility for any particular issue and to resolve any issues of dispute of panels.

2.2.2 Responsibility for individual inquiries / reviews:

- In accordance with the approved Scrutiny Programme, commission the Scrutiny Panels to undertake individual inquiries or reviews and to receive reports of Panels' findings and recommendations;
- Manage, monitor and review the work of Panels in undertaking individual reviews/investigations.

2.2.3 Call-in
Overview and Scrutiny Management Committee shall exercise the call-in function as set out in paragraph 12.

2.2.4 Manage the receipt of requests and reports:
Receive requests from the Executive, full Council or other appropriate body for reports from overview and scrutiny committees and allocate them, if appropriate, to the appropriate overview and scrutiny panels.

2.2.5 Scrutiny rules and procedures:
Make and approve the detailed arrangements for the discharge of its own and the Panels' statutory functions having regard to statutory guidance issued by the Secretary of State , including the approval and promotion of rules, procedures, protocols, conventions, guidance and best practice, and all matters relating to the establishment and conduct of reviews / investigations by Scrutiny Panels;

2.2.6 Finance:
Have overall responsibility for the finances made available to discharge the Overview and Scrutiny function.

2.2.7 Annual Report:
Report annually to full Council on its Overview and Scrutiny function, operation and effectiveness and make recommendations for future work programmes and amended working methods if appropriate.

2.3 Full Council shall appoint the members of OSM Committee and may (but does not have to) appoint its Chair and Vice-Chair. If it does not do so, then OSM Committee may appoint its own. Full Council may also (but does not have to) appoint and fill any vacancy that occurs in OSM Committee's membership from time to time; if it does not do so, then OSM Committee may itself fill a vacancy. These powers apply irrespective of whether the person or vacancy involved is a Councillor, and whether the vacancy arises in relation to membership or the chair- or vice-chairship.

3. TYPES OF SCRUTINY PANELS, MEMBERSHIP ETC

3.1 OSM Committee shall appoint the sub-committees called "Scrutiny Panels".

3.2 The Scrutiny Panels will undertake their reviews, investigations and hearings during the year in accordance with the approved Scrutiny Programme and statutory overview and scrutiny functions.

3.3 Special Scrutiny Panels and Scrutiny Commissions:

3.3.1 As and when required during the Municipal Year OSM Committee may appoint one or more sub-committees (called "Special Scrutiny Panels" or "Scrutiny Commissions") to undertake ad hoc reviews / investigations into particular issues or areas. These bodies will normally be wound-up when they have presented a report of their final recommendations and findings to OSM Committee.

3.3.2 OSM Committee shall approve, and may vary, the individual terms of reference and areas of responsibility of any Scrutiny Panel appointed by it from time to time.

3.4 Membership

- 3.4.1 No person who is a member of the Executive shall be appointed a member of a Scrutiny Body. In order to maintain public confidence and to increase the effectiveness of the scrutiny function, there will be a clear “firebreak” period between a person ceasing to be a member of the Executive and then becoming involved in the scrutiny function.
- 3.4.2 Generally speaking, a former Executive Councillor or any other Councillor appointed by them (formally or informally) to substantially support their role within their portfolio area may not be appointed as a member of OSM Committee or any of its Panels for a period of six months starting on the date they ceased to be a member of the Executive. This will not apply if –
- there is a change in political control on Full Council, and a former Executive Councillor to whom the bar would otherwise apply becomes a member of the Opposition because his/her group no longer forms the administration; or
 - he/she changes political group or resigns their group membership; or
 - Full Council resolves otherwise.

The firebreak period may only be waived by Full Council where those three limited circumstances do not apply. As a safeguard, Council Procedure Rule 13.1 (a) will apply to a motion before Full Council to do so.

For the avoidance of doubt “substantial support” shall be deemed to mean the provision of advice and assistance to the Executive or an Executive Member in relation to the whole range of portfolio functions. A Member who provides advice and assistance in relation to an Executive or single portfolio issue at any given time shall not be deemed to be providing substantial support for the purpose of this section but must have regard to paragraph 3.1.8 regarding “Conflicts of Interest”.

- 3.4.3 The Scrutiny Panels are sub-committees of OSM Committee, appointed under Section 102(1) of the 1972 Act and Section 21(6) of the 2000 Act. Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) shall apply to all Scrutiny Bodies. OSM Committee shall appoint their membership (both Councillors and non-councillors) in accordance with the requirements of that Act, although full Council may unanimously dis-apply the proportionality rules.
- 3.4.4 OSM Committee may appoint the Chair(s) and Vice-Chair(s) of the Scrutiny Panels following consultation with the group leaders and to reflect (as far as possible) the political proportionality of the Council. If it does not do so, then each Scrutiny Panel may appoint its own chair. OSM Committee may also (but does not have to) appoint and fill any vacancy that occurs in a Panel’s membership from time to time; if it does not do so, then the Scrutiny Panels may themselves fill a vacancy. These powers apply irrespective of whether the person or vacancy involved is a Councillor, and whether the vacancy arises in relation to membership or the Chair- or Vice-Chairship.
- 3.4.5 Any Member who is appointed to a Scrutiny Committee or Panel who has provided support, advice or assistance to the Executive or member of the Executive in relation to a particular Executive or Portfolio issue, must declare a conflict of interest and withdraw from the Scrutiny of that particular issue.

3.5 Church and Parent Representatives

- 3.5.1 OSM Committee and its Panels can include people who are not Councillors, although, with the exception of the Church and Parent Representatives sitting on Overview and Scrutiny Management Committee or Panels dealing wholly or partly with the Council's education functions, they are barred from voting by Section 21(10) of the 2000 Act.
- 3.5.2 Under Regulations and the 2000 Act, the Church and Parent Representatives should also normally be invited to sit on Panels involving educational matters. They are eligible to chair OSM Committee and its Panels. Where a Panel chaired by a Church or Parent Representative deals with other (non-LEA) functions, a Councillor must take over the Chair when non-education matters are being discussed so as to allow the Chair a casting vote if necessary.
- 3.5.3 the Church and Parent Representatives have the same rights of access to information, as well as duties to declare interests and so on. Such representatives also have special individual powers of Call-In as detailed at paragraph 12.5.3.

4. GENERAL ROLE OF SCRUTINY PANELS

- 4.1 The Scrutiny Panels will undertake the reviews, inquiries and hearings necessary for the discharge of the statutory overview and scrutiny function –
- within each Panel's approved terms of reference;
 - in accordance with the approved Scrutiny Programme; and
 - in accordance with any rules or protocols approved by OSM Committee, any rules or protocols issued by the Service Director: Legal & Business Operations and any statutory guidance issued by the Secretary of State.

5. PARTICULAR ROLE OF SCRUTINY PANELS

- 5.1 All Scrutiny Panels may, in undertaking inquiries, perform the following tasks:

5.1.1 Policy development and review:

- assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question Members of the Executive and/or committees and senior officers about issues and proposals affecting the area;
- liaise with partners and other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- engage in effective and regular consultation and communication with the Executive and other members of the local authority during the development of plans and strategies which need the agreement of partner organisations;
- be involved in the consideration of any topic of wider concern;

- review and scrutinise decisions made by and performance of the Executive and/or committees and Chief Officer both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- question Members of the Executive and/or committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Body and local people about their activities and performance;
- question and gather evidence from any person who is not an Executive Member or Officer;
- receive reports from internal and external auditors where considered appropriate by the Monitoring Officer or Chief Financial Officer;
- make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the inquiry process.

6. RULES FOR THE OVERVIEW AND SCRUTINY FUNCTION AND INDIVIDUAL INQUIRIES ETC

Scrutiny Panels will conduct their proceedings in accordance with “The Overview and Scrutiny Procedure Rules and Handbook” approved by OSM Committee from time to time.

7. EXECUTIVE’S RESPONSE TO REVIEWS AND INQUIRIES

- 7.1 Within two months after the date that OSM Committee considers a Panel’s final report, the Executive shall consider that report and will submit its response to its findings as soon as possible thereafter (but not later than two months or such other time period indicated by Cabinet after consultation with the Chair and Vice-Chair of the Panel where it is unreasonable to comply with the two month requirement) to either that Committee or to full Council. This requirement may be waived by OSM Committee and shall not apply to the Call-In of a decision.

8. RIGHTS OF SCRUTINY MEMBERS TO HAVE MATTERS PUT ON THE AGENDA OF OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

- 8.1 In accordance with Part 1A Section 9FC of the 2000 Act, every Scrutiny Member has the right to ensure that any matter which is relevant to the functions of the Scrutiny Body of which he/she is a member is included in the agenda for a meeting of Overview and Scrutiny Management Committee if a request is made in accordance with the procedure set out in the Council Procedure Rules paragraphs 26.5 and 26.6 (urgent requests) subject to paragraph 12 below.
- 8.2 A Scrutiny Member may not make a request under this paragraph in relation to –
- 8.2.1 a Scrutiny Body of which he or she is not a member; or
- 8.2.2 the Call-In of a relevant decision made but not implemented, which shall be exclusively governed by the procedures set out in paragraph 12 below or any matter concerning or connected with the Call-In Procedure.

- 8.3 The Scrutiny Member shall deposit their request in writing with the Service Director: Legal & Business Operations by satisfactorily completing the Scrutiny Request Form and stating which Scrutiny Body the matter is to be considered at.
- 8.4 Where the Scrutiny Request Form is deposited at least twelve clear days before the date of the next scheduled meeting of Overview and Scrutiny Management Committee, an item and copy of the Form shall be included on the agenda dispatched for that meeting.
- 8.5 Where the Scrutiny Request Form is deposited less than twelve clear days before the date of the next scheduled meeting of Overview and Scrutiny Management Committee, an item and copy of the form shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the form was deposited.
- 8.6 Overview and Scrutiny Management Committee shall discuss the request at the meeting at which the matter is included on the agenda.

9. RIGHTS OF MEMBERS TO HAVE MATTERS PUT ON THE AGENDA

- 9.1 All Members shall have all rights as given to them by the law in respect of enabling any Member of the authority to refer, where lawfully required, obliged or empowered, a matter to the Overview and Scrutiny function of the Council. In particular (but without prejudice to any other rights) these rights to refer such matters shall include those rights contained within Part 1A Section 9 Local Government Act 2000 (as amended).
- 9.2 Full Council (by resolution), the Executive, the Monitoring Officer, the Chief Financial Officer and the Head of Paid Service or any five ordinary members of the Council having signed a resolution to that effect, have the right to request that any matter is included on the agenda for consideration at a meeting of the relevant Scrutiny Body. Such request shall be passed to the OSM Committee for it to consider at its next meeting. If the OSM Committee decides that its inclusion on the agenda is not appropriate then a report will be brought to the next Full Council Meeting for adjudication.

10. POWERS TO REQUEST AND REQUIRE ATTENDANCE AT MEETINGS

- 10.1 It is expected that a preliminary request for the attendance of an Executive Member and/or any officer before a Scrutiny Body is to be treated with good faith by all parties and an appearance is to be made unless there exists good reason. However, in the event of non-attendance every Scrutiny Body may by resolution require the attendance of an Executive Member and/or any officer before it in order to answer questions. It shall be the duty of those persons to comply with a request made in accordance with this paragraph. The Request for Attendance Notice shall be in writing, signed by the Chair and shall state the date, time and venue of the meeting the person is to attend, and give general details of the matters about which they are to be questioned. The Notice shall be served on the person to whom it is addressed and copied to the Service Director: Legal & Business Operations. Until such a resolution is passed and a Notice is served there is no duty on the person concerned to attend. Failure to attend in breach of a Notice shall be a breach of standards and may be reported to the Governance Committee where an Executive Member or to the Chief Executive, where an officer.

10.2 Every Scrutiny Body may by resolution require any Executive Member or Officer attending before it to answer any questions put to them by members of that body. But no-one shall be obliged to answer any question which he/she would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales. Failure to answer a question without good reason may be a breach of the Council's Code of Conduct or the Council's Disciplinary Rules and Procedures and shall be reported to the Service Director: Legal & Business Operations and Chief Executive.

10.3 Every Scrutiny Body may request (but not require) the attendance before it of persons who are not Executive Members or officers to answer questions.

11. INVOLVEMENT OF SCRUTINY BODY CHAIRS IN THE TAKING OF KEY DECISIONS

11.1 Under the following regulations of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 references are made to "the chairman of every relevant overview and scrutiny committee" for particular purposes. This paragraph 11.1 sets out how those regulations operate in the context of the Council's Executive Arrangements involving overview and scrutiny. Such a reference in

- Regulation 5(6) (Procedures Prior to Private Meetings) and
- Regulation 10(1)(a) (General Exceptions)

is to be deemed to refer to the chair of OSM Committee within whose terms of reference the Key Decision in question falls.

11.2 The supply of a copy of the report mentioned in those regulations to the chair of OSM Committee (or if he or she is unable to act, the supply to the vice-chair) shall be deemed to comply with the Regulations.

11.3 Under Regulation 11 (Cases of Special Urgency) the agreement of certain people is required to allow a Key Decision to be taken in urgent circumstances. This paragraph 11.3 sets out who those people are in order of precedence. For the purposes of sub-paragraphs (a) to (c) of regulation 11 the agreement of the following is required to enable a Key Decision to be taken where compliance with regulation 10 is impractical –

- the Chair of Overview and Scrutiny Management Committee ; or
- if they are unable to act or none at the time is appointed, the Mayor; or
- the Sheriff if the Mayor is unable to act or none at the time is appointed.

11.4 For the avoidance of doubt only the persons mentioned above can give a valid agreement and only provided that the order of precedence is adhered to.

12. PROCEDURE FOR CALL-IN OF RELEVANT DECISIONS

12.1 The powers of referral and reconsideration under Part 1A Section 9(F) of the 2000 Act shall be governed by the procedures set out in this paragraph 12.

12.2 The Call-In Procedure shall only apply to Relevant Decisions that have been made but not implemented at the date of deposit of the Call-In Notice referred to below.

- 12.3 The Call-In Procedure shall not apply to –
- 12.3.1 a Relevant Decision where the Chair of Overview and Scrutiny Management Committee (or other person in accordance with paragraph 11.3 above) has agreed that the particular matter is urgent and the taking of the decision cannot be reasonably deferred; or
 - 12.3.2 a Relevant Decision where the same or substantially the same decision has already been called-in under this procedure. In the event of any dispute, the OSM Committee remains the final arbitrator; or
 - 12.3.3 any hearing or allegation of misconduct being considered by the Governance Committee; or
 - 12.3.4 decisions of the Cabinet to recommend a proposal vis-à-vis the Policy Framework or Budget
 - 12.3.5 decisions made by specialist committees where an appeals procedure already exists, ie decisions made in respect of Development Control, Licensing, consents and other permissions where an appeals procedure already exists.

Relevant Committee for Call-In

- 12.4 For the avoidance of doubt a Relevant Decision that is called-in may only be referred to Overview and Scrutiny Management Committee.
- 12.5 In accordance with section 9(f) of the 2000 Act the following (and only the following) people may invoke the Call-In Procedure (“Requisitioners”) –
- 12.5.1 The Chair of Overview and Scrutiny Management Committee, acting singly; or
 - 12.5.2 Any two members of Overview and Scrutiny Management Committee, acting together; or
 - 12.5.3 Any two of the Church and/or Parent Scrutiny Members, acting together, but only in respect of the Council’s functions as a local education authority.

Deposit of Call-In Notice

- 12.6 A Requisitioner may only invoke the Call-In Procedure by depositing a Call-In Notice with the Scrutiny Manager within five clear days after the date of publication of the decision.
- 12.7 The Scrutiny Manager will consider Notices received and will, on satisfaction of the criteria in paragraph 12.5 and having regard to guidelines agreed by OSM Committee from time to time included in the Overview and Scrutiny Handbook, exercise the Call-In of the decision.

Date of Call-In meeting

- 12.8 A Called-In decision shall be referred to a meeting of Overview and Scrutiny Management Committee. Where the Call-In Notice has been validly deposited–
- 12.8.1 Where not more than 10 clear days would elapse between the date the Call-In Notice was deposited and the date of the next scheduled meeting of Overview and Scrutiny Management Committee, then that (next) scheduled meeting will consider the matter;
 - 12.8.2 Where more than 10 clear days would elapse between the date the Call-In Notice was deposited and the next scheduled Overview and Scrutiny

Management Committee meeting, then the Chair shall call a special meeting of Overview and Scrutiny Management Committee under Council Procedure Rule 24 to be held not later than 10 clear days after the date of deposit of the Call-In Notice to consider it.

- 12.9 When a Called-In Decision is referred to Overview and Scrutiny Management Committee the Scrutiny Manager shall arrange for a Call-In Report to be included on or added to the agenda for the meeting. The Call-In Report will be in such format as he or she directs from time to time. It shall however include:
- A copy of the relevant report published for the Decision Making Meeting at which the called-in decision was made;
 - A copy of the written record of the decision taken;
 - A copy of the Call-In Notice;
- 12.10 If the agenda for the Overview and Scrutiny Management Committee meeting has been published, the Call-In Report shall be treated by the Chair as a “late urgent item” and will added to the published agenda for the meeting and discussed by it.
- 12.11 When Overview and Scrutiny Management Committee or Full Council considers the Call-In Report, the relevant Decision Maker must attend the meeting, may make an oral or written statement and, may be questioned by its members. Where the Decision Maker was the whole Executive the Executive Members within whose portfolio the relevant decision falls may attend. The body considering the report may also hear from or question such other people as it thinks appropriate.
- 12.12 When considering a Call-In Report, Overview and Scrutiny Management Committee must resolve to do one of the following things –
- 12.12.1 to resolve that the Called-In Decision be reconsidered by the person who made it, with Overview and Scrutiny Management Committee giving its reasons for doing so; or
- 12.12.2 where it is the initial view of Overview and Scrutiny Management Committee that a decision may be a Contrary Decision, to follow the procedure laid down in paragraph 7 of the Budget and Policy Framework Procedure Rules; or,
- 12.12.3 to resolve to inform the Decision Maker that Overview and Scrutiny Management Committee will not ask that the called-in decision be reconsidered, giving its reasons for doing so.
- 12.13 Overview and Scrutiny Management Committee must take one of the three decisions set out in paragraph 12.12 above and must do so before the end of the meeting. If Overview and Scrutiny Management Committee does not do so then the Call-In Procedure in relation to that Called-In decision will come to an end and the decision may then be implemented. In addition, Overview and Scrutiny Management Committee may also make additional comments or recommendations arising from its consideration of the call-in provided there is no conflict between that and Overview and Scrutiny Management Committee’s statutory requirements under the Local Government Act 2000 and its responsibilities under this Constitution.

Reconsideration of decision by Decision-Maker

- 12.14 Where Overview and Scrutiny Management Committee or Full Council has resolved to recommend to the Decision Maker that they reconsider their decision, they/he shall

do so at that Decision Maker's next scheduled Decision-Making Meeting. At that meeting the Decision Maker shall consider a copy of the Call-In Report, the advice of the Service Director: Legal & Business Operations / Chief Financial Officer and any resolution or reasons of Overview and Scrutiny Management Committee or Full Council when they considered the matter.

12.15 At that meeting the Decision Maker will decide –

12.15.1 to keep to their original decision; or

12.15.2 reconsider taking their decision. If so, they may, in the light of any circumstances that have changed since then, make any decision they could have made when they original considered the Key Decision in question or decide not to take a decision.

12.16 After that meeting the Decision Maker shall report to the next Overview and Scrutiny Management Committee meeting, the decision taken and the reasons for it.

12.17 Any decision taken by the Decision-Maker in respect of a Called-In Decision, shall comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Call-In Notice

12.18 The Call-In Procedure shall not apply to any decision unless and until a Call-in notice has been validly deposited with the Scrutiny Manager under paragraphs 12.6 and 12.7 above. The Call-In Notice shall be in such form as may be approved by the Scrutiny Manager from time to time for that purpose. It shall however require the Requisitioner(s) to state their reasons for wishing to Call-In the decision. The Scrutiny Manager may reject a Notice that has not been completed satisfactorily. Where two or more persons of the same category are required to act together under paragraph 12.5, they must both sign the Call-In Notice.

Withdrawal of Call-In Notice

12.19 A deposited Call-In Notice may be withdrawn (subject to the next paragraph) at any time before Overview and Scrutiny Management Committee considers the called-in decision. Withdrawal shall be by written notice deposited with the Scrutiny Manager signed by all those who signed the Call-In Notice. If withdrawn the Scrutiny Manager and relevant Head of Service shall then prepare a report on the circumstances of the withdrawal for inclusion on the agenda for the next scheduled meeting of Overview and Scrutiny Management Committee. This report shall include details of any delay or financial consequences caused by the decision to call-in the decision.

12.20 Once Overview and Scrutiny Management Committee decides to refer a called-in contrary decision to Full Council, the Call-In Notice may not be withdrawn under any circumstances.

Notification of Call-In to others

12.21 It is important to prevent a called-in decision being inadvertently implemented. As soon as possible after depositing the Call-In Notice the Scrutiny Manager shall supply copies of the Notice to the relevant Executive Member and Head of Service. Although a failure to do so will not invalidate the Call-In of the relevant decision, a failure to take reasonable steps to supply them with copies of the Notice shall be regarded as a breach of standards and may be referred to the Standards Committee.

Prevention of implementation

- 12.22 As soon as the relevant Service Director and/or Executive Member become aware (by whatever means) that a Call-In Notice has been deposited, they shall take all reasonable steps to ensure that the called-in decision is not implemented until the matter has been finally disposed of, or the relevant Call-In Notice withdrawn.
- 12.23 During that period the Executive nor any individual Executive Member or officer may not take a decision, whether or not a key decision and whether or not included in the Forward Plan or concerning the same or a different subject, which has the effect of, or is likely to, substantially prejudicing, limiting or preventing the proper consideration of the Called-In decision by Overview and Scrutiny Management Committee or Full Council, or the proper and effective reconsideration of the called-in decision by the person who took it. The Chair of Overview and Scrutiny Management Committee may require that the Scrutiny Manager prepares a report for inclusion on the agenda for the next scheduled meeting of Overview and Scrutiny Management Committee, explaining the circumstances in which any such decisions, or alleged decisions, were taken. Overview and Scrutiny Management Committee may direct that this report is considered by Full Council.

Implementation of a Called-In decision

12.24 Neither the:

12.24.1 implementation of a Called-In decision prior to its final disposal or the withdrawal of the relevant Call-In Notice, nor

12.24.2 the taking of a decision of the type referred to in paragraph 12.20 above during that period,

shall of itself invalidate the legality of any such decision(s) or its implementation nor shall it render any resulting act, omission or other conduct by a Member, officer or other person (third party) unlawful.

12.25 However, a failure to take reasonable steps to prevent such a decision being taken or implemented shall be regarded as a breach of standards and may be referred to the Governance Committee, if a Member, or to the Chief Executive if an officer.

12.26 If a Called-In decision is implemented prior to its final disposal or the withdrawal of the Call-In Notice, then the Call-In under this procedure and its referral to Overview and Scrutiny Management Committee or Full Council (as the case may be) shall come to an end. Where this happens, the procedure set out below will apply:

12.26.1 The relevant Executive Member shall as soon as possible inform Overview and Scrutiny Management Committee or full Council that the called-in decision has been implemented.

12.26.2 The Scrutiny Manager and relevant Head of Service shall then prepare a report for inclusion on the agenda for the next scheduled meeting of Overview and Scrutiny Management Committee, explaining the circumstances in which the Called-In decision was implemented. Overview and Scrutiny Management Committee may direct that this report is considered by Full Council.

12.26.3 Overview and Scrutiny Management Committee may decide to refer the matter to the Governance Committee and/or Chief Executive.

Bar on reconsideration during Call-In

12.27 During the period before a Called-In decision has been finally disposed of, or the relevant Call-In Notice withdrawn, the Decision Maker may not reconsider the called-in decision or take another decision on the same subject matter unless the Chair of Overview and Scrutiny Management Committee gives their agreement.

Consolidation of different Call-Ins

12.28 Where it would be convenient, and following consultation with the Chair of Overview and Scrutiny Management Committee, the Scrutiny Manager may direct that two or more Call-ins shall be referred to a particular meeting or series of meetings of a single Standing Scrutiny Panel specified or a Standing Scrutiny Panel may consider more than one Called-In decision at the same meeting.

Half-yearly reports to Council on use of Call-In

12.29 In July and March each municipal year Full Council will consider a report from the Scrutiny Manager concerning the numbers, types, outcomes and general use of the Call-In Procedure since the last such report.

Abuse of Call-In Procedure

12.30 Call-In Procedures must not be abused or used unduly to delay decisions or slow down the process of decision making. In particular, the Executive will, from time to time, need to take decisions which need to be implemented quickly (paragraph 11.3) In all other instances Call-In must be in accordance with paragraph 12.