
Report of the Head of Scrutiny and Member Development

Overview and Scrutiny Committee

Date: 20 August 2007

Subject: CALL IN OF DECISION – BRIEFING PAPER

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION AND BACKGROUND

1.1 In accordance with the Council's Constitution, an officer decision has been Called In.¹ The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.

1.2 This report advises the Overview and Scrutiny Committee on the procedural aspects of Calling In the decision.

2.0 REVIEWING THE DECISION

2.1 The process of reviewing the decision is as follows:

- Members who have requested the Call In invited to explain their concern/reason for Call In request.
- Relevant Officer(s) asked to explain decision.
- Further questioning from the Committee as appropriate.

¹ Scrutiny Board Procedure Rules Paragraph 22

3.0 OPTIONS AVAILABLE TO THE BOARD

- 3.1 Having reviewed the decision, the Overview and Scrutiny Committee will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

Option 1- Release the decision for implementation

- 3.2 Having reviewed this decision, the Overview and Scrutiny Committee may decide to release it for implementation. If Overview and Scrutiny Committee chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered.

- 3.3 The Overview and Scrutiny Committee may decide to recommend to the decision maker that the decision be reconsidered. If the Overview and Scrutiny Committee chooses this option a report will be submitted to the decision maker.

- 3.4 In the case of a delegated decision, the report of the Scrutiny Board will be submitted to the appropriate Officer within three working days of this meeting. The Officer will reconsider his/her decision and will publish the outcome of his/her deliberations on the delegated decision system. The decision may not be Called In again whether or not it is varied.

Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.5 This course of action would only apply if the Overview and Scrutiny Committee determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.6 If, at the conclusion of this meeting, the Overview and Scrutiny Committee forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.7 Should the statutory officer support the Overview and Scrutiny Committee's determination, then the report of the Overview and Scrutiny Committee will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Overview and Scrutiny Committee in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Overview and Scrutiny Committee, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.
- 3.8 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Overview and Scrutiny Committee would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call In of the decision would be possible.
- 3.9 However, the Overview and Scrutiny Committee may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

4.0 FAILURE TO AGREE ONE OF THE ABOVE OPTIONS

- 4.1 If the Overview and Scrutiny Committee, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

5.0 FORMULATING THE COMMITTEE'S REPORT

- 5.1 If the Overview and Scrutiny Committee decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.
- 5.2 If the Overview and Scrutiny Committee wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Overview and Scrutiny Committee to agree a report setting out its recommendation together with any supporting commentary.
- 5.3 Because of the tight timescales within which a decision Call In must operate, it is important that the Overview and Scrutiny Committee's report be agreed at the meeting.
- 5.4 If the Overview and Scrutiny Committee decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Overview and Scrutiny Committee's draft recommendations and supporting commentary. Upon reconvening, the Overview and Scrutiny Committee will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).
- 5.5 This statement will then form the basis of the Overview and Scrutiny Committee's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call In process etc).
- 5.6 The Overview and Scrutiny Committee is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

6.0 RECOMMENDATION

- 6.1 The Overview and Scrutiny Committee is asked to note the contents of this report and to adopt the procedure as detailed within it.