



Report of the Head of Scrutiny and Member Development

Overview and Scrutiny Committee

Date: 11th September 2007

Subject: CALL IN ARRANGEMENTS

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose

1.1 At the request of the Chair and following discussion in full Council the purpose of this report is to consider whether there is a case to alter current arrangements with regard to "Call In" and in particular the trigger required to initiate a "Call In".

2.0 Introduction

- 2.1 The Local Government Act 2000 requires that Overview and Scrutiny Committees *be given the power to recommend that a decision made but not implemented, be reconsidered.*
- 2.2 The Act gives local authorities considerable discretion over the detailed operation of such a "Call In" mechanism. In particular the trigger required to initiate a "Call In" is left to local choice.
- 2.3 However, as the Calling In of a decision will inevitably give rise to a period of delay before the decision can be implemented, it is envisaged that the mechanism will be used sparingly.

3.0 Background in Leeds

3.1 From 2001/2002 until 2003/4 Leeds required two members of the relevant Scrutiny Board representing two political groups to sign a pro forma to trigger a "Call In".

- 3.2 In municipal year 2004/2005, in recognition of the fact that the Council was to be led by a coalition of three parties, leaving only one opposition party on some boards, the trigger was altered to two members of the relevant Scrutiny Board representing two political groups or any three Members in the case of Scrutiny Boards which only had Members from one opposition group.
- 3.3 In 2005/2006 the mechanism was altered again to two elected Members of the Overview and Scrutiny Committee from any two different political groups. This system is currently still in operation.
- 3.4 It has since been argued by some members of the Labour Group that the current system puts the Labour Group at a disadvantage. This was raised by Councillor Wakefield at the Corporate Governance and Audit Committee in May 2007 and by Councillor Minkin, a member of this Committee, in the July Council.
- 3.5 The argument put forward by the Labour Group is based on the premise that the Morley Borough Independents will side with the Administration and not support a Call In triggered by the Labour Group.
- 3.6 This argument a) implies that the Morley Borough Independents form part of the administration and b) that those elected Members from the Administration Groups, sitting on the Overview and Scrutiny Committee, are 'whipped' by their Groups. Hitherto this has not been the practice in Leeds.
- 3.7 There have been seven "Call Ins" since the start of the municipal year 2004/2005, five of which were signed by a Morley Borough Independent.

4.0 Other authorities

- 4.1 An investigation into the "Call In" procedure across English local authorities undertaken by the Centre for Public Scrutiny discovered a great deal of variation in interpretation. The investigation included information from 97% of the 388 local authorities in England.
- 4.2 Headline findings were as follows:
- 14% of authorities require cross, or multi-party support for a decision to be called in
 - 47% of authorities allow only scrutiny board members to "Call In" a decision
 - 37% of authorities allow the Chair of a scrutiny board to "Call In" a decision alone
 - 51% of authorities allow non-executive councillors who are not members of a scrutiny board to "Call In" a decision
 - 35% of authorities require at least 3 authorised signatories to "Call In" a decision
 - 2% of authorities allow the public to "Call In" a decision
- 4.3 Of our neighbouring authorities and the core cities, 5 out of 10 have no overall political control. In each case their "Call In" procedure either does not require cross party support, or has provision for "Call In" without it. See Appendix 1.

5.0 Options

- 5.1 It is acknowledged that Members from all Groups have, in the past, favoured a cautious approach in terms of relaxing who can and cannot trigger a "Call In".

Essentially there has been a concern that a more open trigger mechanism would encourage the politicisation and abuse of “Call In”. Committee is reminded therefore that any system adopted by Council is in effect ‘on trial’ and can be rescinded in favour of a more strict approach.

- 5.2 With this in mind the Committee could recommend the adoption of one of the options outlined below, a variation on any particular option (see Appendix 1) or a combination thereof.

Option 1

The status quo, ‘two elected Members of the Overview and Scrutiny Committee from any two different political groups’.

Option 2

Any two (or three) members of the Overview and Scrutiny Committee

Option 3

Any three members of the Council’s scrutiny boards

Option 4

Any five non-executive members of Council

6.0 Comments from Group Leaders

- 6.1 To assist the Committee in its deliberations the Chair has sought the Views of Group Leaders. These are attached as Appendix 2.

7.0 Recommendation

- 7.1 That the Committee considers current arrangements for “Call In” and decide whether it wishes to recommend to the Corporate Governance and Audit Committee an alternative “Call In” trigger mechanism.