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## Report of the Head of Scrutiny and Member Development

### Scrutiny Board (City Development)

Date: 10<sup>th</sup> June 2008

Subject: CALL IN OF DECISION – BRIEFING PAPER

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## 1.0 INTRODUCTION AND BACKGROUND

1.1 In accordance with the Council's Constitution, an officer decision has been Called In.<sup>1</sup> 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 Scrutiny Board (City Development) 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 Board as appropriate.

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<sup>1</sup> Scrutiny Board Procedure Rules Paragraph 22

### 3.0 OPTIONS AVAILABLE TO THE BOARD

- 3.1 Having reviewed the decision, the Scrutiny Board (City Development) 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 Scrutiny Board (City Development) may decide to release it for implementation. If the Scrutiny Board (City Development) 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 Scrutiny Board (City Development) may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board (City Development) 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 Scrutiny Board (City Development) 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 Scrutiny Board (City Development) 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 Scrutiny Board's (City Development) determination, then the report of the Scrutiny Board (City Development) will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Scrutiny Board (City Development) 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 Scrutiny Board (City Development), 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 Scrutiny Board (City Development) 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 Scrutiny Board (City Development) 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 Scrutiny Board (City Development), 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 BOARD'S REPORT**

- 5.1 If the Scrutiny Board (City Development) 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 Scrutiny Board (City Development) wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board (City Development) 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 Scrutiny Board's (City Development) report be agreed at the meeting.
- 5.4 If the Scrutiny Board (City Development) 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 Scrutiny Board's (City Development) draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board (City Development) 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 Scrutiny Board's (City Development) 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 Scrutiny Board (City Development) 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 Scrutiny Board (City Development) is asked to note the contents of this report and to adopt the procedure as detailed within it.