

BABERGH DISTRICT COUNCIL

FROM: Head of Corporate Services

REPORT NUMBER **F138**

TO: **JOINT OVERVIEW AND SCRUTINY
COMMITTEE**

DATE OF MEETING: 11 December 2006

REVIEW OF CALL-IN PROCEDURES

1. **SUMMARY**

This report requests the Committee to:-

- Clarify the intention in relation to the process and criteria to be used when the validity of a call-in request is considered.
- Ensure that the Constitution and the Protocol for use of Call-In Procedure are not in conflict.
- Agree any appropriate amendments to the Constitution for submission to Council.

2. **RECOMMENDATIONS TO COUNCIL**

- 2.1 That either Version 1 or 2, attached as Appendices 1 and 2 to this report, be adopted as part of the Council's Constitution relating to call-in.
- 2.2 That the Head of Corporate Services be authorised to make appropriate amendments, including any consequential amendments to the Constitution in relation to recommendation 2.1 above.

3. **FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications.

4. **KEY INFORMATION**

- 4.1 The Working Group established to investigate the Council's current procedures relating to call-in submitted Paper F103 to the two Overview and Scrutiny Committee meetings in October. These recommendations were, generally, accepted and Strategy Committee considered the matter at their recent meeting.
- 4.2 Strategy Committee Minute No. 56 is incorporated within the body of the Agenda for this meeting.
- 4.3 Since Strategy Committee has met, further discussions/consultations have been undertaken with appropriate Members. There is some concern as to whether the protocol is helpful to the process and consideration should be given as to whether or not the protocol needs to be incorporated into the Constitution.

4.4 Two options for consideration by the Committee are attached. Appendix 1 incorporates the recommendations to Council contained in Strategy Committee Minute No. 56, but does NOT include any protocol. Appendix 2 incorporates the recommendations to Council contained in Strategy Committee Minute No. 56, but includes the amended protocol.

5. **APPENDICES**

(a) Appendix 1 - Call-in - Version 1 of amended Constitution (without protocol).

(b) Appendix 2 - Call-in – Version 2 of amended Constitution (with protocol).

6. **BACKGROUND PAPERS REFERRED TO:**

None.

CONTACT: Steve Ellwood

DIRECT LINE: 01473 825876

Version 1.
Suggested amendments in red.

CALL-IN

Call-in should only be used in exceptional circumstances. These are where Members of ~~the appropriate~~ the -Overview and Scrutiny Committees have evidence which suggests that:-

- (1) ~~the~~ Strategy Committee did not take the decision in accordance with the principles set out in Article 12 (Decision-making) of this Constitution, or
 - (2) where the decision taken is outside the Terms of Reference of the Strategy Committee as set out in Responsibilities for Functions in Part Three.
- (a) ~~When a decision is made by the Strategy Committee, the decision shall be published,~~
~~including where possible by electronic means, and shall be available at the main~~
~~offices of the Council normally within two days of being made. The Chairmen and~~
~~Members of the two Overview and Scrutiny Committees will be sent copies of the~~
~~records of all such decisions within the same timescale, by the person responsible~~
~~for publishing the decision.~~
 - (b) ~~That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of seven~~
~~working days after the publication of the decision, unless sufficient an Overview and Scrutiny it is called in.~~
~~Committee Members objects to it and calls it in.~~
 - (c) ~~During that period of time, a minimum of any 5 Overview and Scrutiny Members (but not the Chairman of either Committee) may request that a decision of the Strategy Committee be called-in the Head of Legal and Administrative Services shall call in a~~
~~decision for scrutiny by the appropriate Overview and Scrutiny Committee. The request shall be submitted to the Head of Corporate Services in the prescribed form set out in Protocol 1 in hard copy form, by fax or by email.~~
 - (d) Upon receipt of a call-in request, the Head of Corporate Services shall consult with the Monitoring Officer and the Chairmen of both Overview and Scrutiny Committees to decide which would be the most appropriate Overview and

Scrutiny Committee to consider the call-in having regard to the terms of reference of each Committee

(e) The Chairman (or in his or her absence the Vice Chairman) of the appropriate Overview and Scrutiny Committee, determined in accordance with (d) above, shall consider the validity of a call-in request in consultation with the Head of Corporate Services and the Monitoring Officer. Thereafter, if so requested by the Chairman, the Head of Corporate Services shall call-in a the decision for scrutiny by the appropriate Overview and Scrutiny Committee by if so
~~requested by the Chairman the appropriate Overview and Scrutiny Committee (or in his or her absence the Vice Chairman) and any~~
~~four Members of the Committee~~ and shall then notify the decision-maker of the call-in.

(f) The Head of ~~Legal and Administrative~~ Corporate Services shall call a meeting of the appropriate Overview an Scrutiny
~~Committee on such a date as he/she may determine, where possible after~~
~~consultation with the Chairman (or Vice Chairman in his or her absence) of the~~
~~Committee, such~~
~~meeting to be held as soon as practicable.~~

(g) Any Member named on the making a request for call-in request may attend and speak at the meeting of
the Overview and Scrutiny Committee at which the call-in is considered

(dh) - If having considered the decision the Overview and Scrutiny Committee is still concerned about it, then it may either:-
(i) refer it ~~it~~ back to the Strategy Committee for
(i) reconsideration, or
(ii) refer it to Council for a final determination, or for referral back to Strategy Committee as provided in (k) below
in each case, setting out in writing the nature of its concerns.

(i) If referred to
~~Strategy Committee, that Committee shall then reconsider as soon as~~
~~practicable. If~~
~~Strategy Committee does not accept the recommendations of~~
~~Overview and~~
~~Scrutiny Committee the issue shall be referred to Council for~~
~~consideration. If~~
~~Strategy Committee accepts the recommendations of Overview~~
~~and Scrutiny~~
~~Committee, it may adopt the amended decision.~~

(ej) If following the setting up of the meeting for consideration of the call-in request
~~an objection to the decision~~ the Overview and Scrutiny Committee

___ does not meet on the date specified by the Head of ~~Legal and Administrative~~ Corporate

___ Services the decision shall take effect on the date it is known that the meeting will not take place. If the Committee ~~or~~ does meet but does not refer the matter back to the Strategy

___ Committee,

___ the decision shall take effect on the date of the Overview and Scrutiny

___ Committee

___ meeting.

(fk) ___ If the matter was referred to Full Council under (h) (ii) above or in circumstances where Strategy

___ Committee did not accept the recommendations of Overview and Scrutiny

___ Committee (as set out in (dj) above) and Council does not object to the original decision ~~which~~

___ ~~has been made~~, then no further action is necessary and the decision will be effective

___ in accordance with the provision below. However, if Council does object, Council

___ will either make a final determination on the matter or refer any decision to which it objects back to the Strategy Committee, together

___ with the Council's views on the decision. ~~and~~ The Strategy Committee shall then make its

___ decision in accordance with the views expressed by Council at a ~~A~~ meeting will be

___ convened ~~by Strategy Committee~~ to reconsider the matter as soon as practicable following

___ Council ~~request referral~~.

(gl) ___ If the Council does not meet, or if it does but does not refer the decision back to

___ Strategy Committee, the decision will become effective on the date of the Council

___ meeting or expiry of the period in which the Council meeting should have been

___ held, whichever is the earlier.

(mh) ___ In circumstances where the Council has appointed Area Committees and where a ___ decision has been taken by an Area Committee, then the right of call-in shall extend

___ to any five Members of another Area Committee if they are of the opinion that the

___ decision made but not implemented will have an adverse effect on the area to which

___ their Committee relates. In such cases, those five Members may request the Head of

___ ~~Legal and Administrative~~ Corporate Services to call-in the decision. He/she shall call a

___ meeting of the relevant Overview and Scrutiny Committee on such a date as

___ he/she

___ may determine, where possible after consultation with the Chairman (or

___ the Vice

___ Chairman in his or her absence) of the Committee, and in any case

___ within five days

___ of the decision to call-in. All other provisions relating to call-in

~~_____~~ shall apply as if the
~~_____~~ call-in had been exercised by Members of a relevant
~~_____~~ Overview and Scrutiny
~~_____~~ Committee.

39. A proposal should only be called in once. If, however, the Strategy Committee substantially amends the original proposal in a way which the Overview and Scrutiny Committee has not considered, nor could reasonably have foreseen, to the extent that in reality it is a different proposal, the Overview and Scrutiny Committee has the right to call it in again.

40. PROCEDURE ON CALL-INS

40.1 The end of the call-in period will normally be 5.00 p.m. on the seventh working day after the publication of the Strategy Committee decision. The Head of ~~Legal and~~
~~_____~~ ~~Administrative~~ ~~Corporate~~
~~_____~~ Services will be responsible for informing the Chairman of the
~~_____~~ Strategy Committee,
~~_____~~ ~~the Chief Executive and Corporate Directors~~ of any item that has been called-in.

40.2 Officers need to bear in mind that if a call-in is registered, then the Strategy Committee decision cannot be actioned until finally dealt with. Only work that can be undertaken without presuming the ultimate decision can be undertaken.

40.3 The item called in will require the following papers:-

- (a) the report that was presented to the Strategy Committee;
- (b) the relevant extract of the Strategy Committee Minutes;
- (c) Any supplementary report, either updating figures and information which was supplied orally to the Strategy Committee or giving further updated information available to the Strategy Committee, or both.

40.4 Members who have exercised call-in can withdraw their request at any time before the meeting either individually or “en bloc”.

40.5 Any Member of Overview and Scrutiny Committee who has acted as substitute on a matter decided at Strategy Committee must stand down during discussion of the item at Overview and Scrutiny Committee.

40.6 Officers may be approached for information before Overview and Scrutiny Committee and they are referred to the Member/Officer protocol to deal with any such issues. Generally any information which is necessary for the Member’s understanding of the item coming to Overview and Scrutiny Committee is a matter that must be dealt with by the Officer. In cases of confidential/exempt matters the same applies but for good administrative practice this should be limited to Members of the Strategy Committee, Overview and Scrutiny Committee and Members who have called-in the item.

40.7 At the meeting the following will be the usual order of appearance:-

- (a) The author of the call-in report notifies Members of Overview and Scrutiny Committee of the updated position.
- (b) The “call-in” Members (one or all) make a presentation of their reasons for call-in.
- (c) Members of Overview and Scrutiny Committee may question them.
- (d) The Chairman of the Strategy Committee (or his or her nominated representative) ~~E~~explains why the decision was made.
- (e) Members of Overview and Scrutiny Committee may question him/her.
- (f) Any other contributions from representatives from outside the Council.
- (g) Members of Overview and Scrutiny Committee may question him/her.
- (h) The author of the report presents his/her papers with or without comments. The Officer is not expected to make a further presentation.
- (i) Members of Overview and Scrutiny Committee may question him/her.
- (j) Member of the Strategy Committee (as above) to respond.
- (k) Discussion takes place.
- (l) There will be a vote giving the reason for the Overview and Scrutiny Committee’s decision (if the Strategy Committee Member has indicated that he/she is prepared to take the matter back to the Committee that will be noted and referred to together with the reason).
- (m) The Chairman of the Overview and Scrutiny Committee will have the discretion to operate the above process flexibly where it is considered that changes would be conducive to the effective performance of the Scrutiny role.

40.8 Questioning

Overview and Scrutiny Committee Members may ask any questions which are supplemental or related to the reason(s) attributable to call-in. The decision as to whether such questions are appropriate will be a matter for the Chairman of Overview and Scrutiny Committee.

41. EXCEPTIONS

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-

- (a) that each Overview and Scrutiny Committee may only call-in ten decisions per year (save that Council may decide at any time to increase the number of call-ins each year as provided for in Article 4 of this Constitution;
- (b) ~~Five~~The Chairman and four Members of an Overview and Scrutiny Committee ~~Members~~ are
— needed for a
— decision to be called-in. Neither Chairman of the Overview and Scrutiny Committees
shall sign a call-in request

42. CALL-IN AND URGENCY

- 42.1 The call-in procedure set out above shall not apply where the decision being taken by the Strategy Committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Chairman the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 42.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.
- 42.3 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

Version 2.

Suggested amendments in red.

CALL-IN

Call-in should only be used in exceptional circumstances. These are where Members of ~~the appropriate~~ the Overview and Scrutiny Committees consider that one or more of the circumstances set out in Protocol 2 apply.~~have evidence which suggests that the Strategy Committee did not take the decision in accordance with the principles set out in Article 12 (Decision-making) of this Constitution or where the decision taken is outside the Terms of Reference of the Strategy Committee as set out in Responsibilities for Functions in Part Three.~~

- (a) ~~__~~ __ When a decision is made by the Strategy Committee, the decision shall be ~~published,~~
~~including where possible by electronic means, and shall be available at~~
~~the main~~
~~offices of the Council normally within two days of being made. The~~
~~Chairmen and~~
~~Members of the two Overview and Scrutiny Committees will be~~
~~sent copies of the~~
~~records of all such decisions within the same timescale, by the~~
~~person responsible~~
~~for publishing the decision.~~
- (b) ~~__~~ __ That notice will bear the date on which it is published and will specify that the ~~decision will come into force, and may then be implemented, on the expiry of~~
~~seven~~
~~working days after the publication of the decision, unless~~ it is called in. ~~sufficient~~
~~Overview and Scrutiny~~
~~Committee Members~~ Members objects to it and calls it in.
- (c) During that period ~~of time,~~ a minimum of any 5 Overview and Scrutiny Committee
Members (but not the Chairman of either Committee) may request that a decision
of the Strategy Committee be called-in the Head of Legal and Administrative
Services shall call-in a
~~decision for~~ scrutiny by the appropriate Overview and Scrutiny Committee. The
request shall be submitted to the Head of Corporate Services in the prescribed
form set out in Protocol 1 in hard copy form, by fax or by email.
- (d) Upon receipt of a call-in request, the Head of Corporate Services shall consult with
the Monitoring Officer and the Chairmen of both Overview and Scrutiny
Committees to decide which would be the most appropriate Overview and
Scrutiny Committee to consider the call-in having regard to the terms of reference
of each Committee

(e) The Chairman (or in his or her absence the Vice Chairman) of the appropriate Overview and Scrutiny Committee, determined in accordance with (d) above, shall consider the validity of a call-in request in consultation with the Head of Corporate Services and the Monitoring Officer. Thereafter, if so requested by the Chairman, the Head of Corporate Services shall call-in a-the decision for scrutiny by the appropriate Overview and Scrutiny Committee by if so requested by the Chairman the appropriate Overview and Scrutiny Committee (or in his or her absence the Vice Chairman) and any four Members of the Committee and shall then notify the decision-maker of the call-in.

(f) The Head of ~~Legal and Administrative~~Corporate Services shall call a meeting of the Committee on such a date as he/she may determine, where possible after consultation with the Chairman (or Vice Chairman in his or her absence) of the Committee, such meeting to be held as soon as practicable.

(g) Any Member named on the making a request for call-in request may attend and speak at the meeting of the Overview and Scrutiny Committee at which the call-in is considered

(dh) - If having considered the decision the Overview and Scrutiny Committee is still concerned about it, then it may either:-

(i) refer it ~~it~~ back to the Strategy Committee for

(i) reconsideration, or

(ii) refer it to Council for a final determination, or for referral back to Strategy Committee as provided in (k) below

in each case, setting out in writing the nature of its concerns.

(i) If referred to Strategy Committee, that Committee shall then reconsider as soon as practicable. If

Strategy Committee does not accept the recommendations of Overview and

Scrutiny Committee the issue shall be referred to Council for consideration. If

Strategy Committee accepts the recommendations of Overview and Scrutiny

Committee, it may adopt the amended decision.

(ej) If following the setting up of the meeting for consideration of the call-in request an objection to the decision the Overview and Scrutiny Committee

does not meet on the date specified by the Head of ~~Legal and Administrative~~Corporate

Services, the decision shall take effect on the date it is known that the meeting will not take place. If the Committee ~~or~~ does meet but does not refer the matter back to the Strategy

~~_____~~ Committee, or refer it to Council
~~_____~~ the decision shall take effect on the date of the Overview and Scrutiny
~~_____~~ Committee
~~_____~~ meeting.

(~~fk~~) ~~_____~~ If the matter was referred to Full Council under (h) (ii) above or in circumstances where Strategy
~~_____~~ Committee did not accept the recommendations of Overview and Scrutiny
~~_____~~ Committee (as set out in (~~dj~~) above) and Council does not object to the original decision ~~which~~
~~_____~~ has been made, then no further action is necessary and the decision will be effective
~~_____~~ in accordance with the provision below. However, if Council does object, Council
~~_____~~ will either make a final determination on the matter or refer any decision to which it objects back to the Strategy Committee, together
~~_____~~ with the Council's views on the decision. ~~And The~~ Strategy Committee shall then make its
~~_____~~ decision in accordance with the views expressed by Council. ~~at a~~ meeting ~~will be~~
~~_____~~ convened ~~by Strategy Committee~~ the matter to reconsider as soon as practicable following
~~_____~~ Council's referral. ~~request~~.

(~~gl~~) ~~_____~~ If the Council does not meet, or if it does but does not refer the decision back to
~~_____~~ Strategy Committee, the decision will become effective on the date of the Council
~~_____~~ meeting or expiry of the period in which the Council meeting should have been
~~_____~~ held, whichever is the earlier.

(~~mh~~) ~~_____~~ In circumstances where the Council has appointed Area Committees and where a
~~_____~~ decision has been taken by an Area Committee, then the right of call-in shall extend
~~_____~~ to any five Members of another Area Committee if they are of the opinion that the
~~_____~~ decision made but not implemented will have an adverse effect on the area to which
~~_____~~ their Committee relates. In such cases, those five Members may request the Head of
~~_____~~ Legal and Administrative ~~Corporate~~ Services to call-in the decision. He/she shall
~~_____~~ call a
~~_____~~ meeting of the relevant Overview and Scrutiny Committee on such a date as
~~_____~~ he/she
~~_____~~ may determine, where possible after consultation with the Chairman (or
~~_____~~ the Vice
~~_____~~ Chairman in his or her absence) of the Committee, and in any case
~~_____~~ within five days
~~_____~~ of the decision to call-in. All other provisions relating to call-in
~~_____~~ shall apply as if the
~~_____~~ call-in had been exercised by Members of a relevant
~~_____~~ Overview and Scrutiny
~~_____~~ Committee.

39. A proposal should only be called in once. If, however, the Strategy Committee substantially amends the original proposal in a way which the Overview and

Scrutiny Committee has not considered, nor could reasonably have foreseen, to the extent that in reality it is a different proposal, the Overview and Scrutiny Committee has the right to call it in again.

40. PROCEDURE ON CALL-INS

40.1 The end of the call-in period will normally be 5.00 p.m. on the seventh working day after the publication of the Strategy Committee decision. The Head of ~~Legal and Administrative Corporate~~ Services will be responsible for informing the Chairman of the Strategy Committee, ~~the Chief Executive and Corporate Directors~~ of any item that has been called-in.

40.2 Officers need to bear in mind that if a call-in is registered, then the Strategy Committee decision cannot be actioned until finally dealt with. Only work that can be undertaken without presuming the ultimate decision can be undertaken.

40.3 The item called in will require the following papers:-

- (a) the report that was presented to the Strategy Committee;
- (b) the relevant extract of the Strategy Committee Minutes;
- (c) Any supplementary report, either updating figures and information which was supplied orally to the Strategy Committee or giving further updated information available to the Strategy Committee, or both.

40.4 Members who have exercised call-in can withdraw their request at any time before the meeting either individually or “en bloc”.

40.5 Any Member of Overview and Scrutiny Committee who has acted as substitute on a matter decided at Strategy Committee must stand down during discussion of the item at Overview and Scrutiny Committee.

40.6 Officers may be approached for information before Overview and Scrutiny Committee and they are referred to the Member/Officer protocol to deal with any such issues. Generally any information which is necessary for the Member’s understanding of the item coming to Overview and Scrutiny Committee is a matter that must be dealt with by the Officer. In cases of confidential/exempt matters the same applies but for good administrative practice this should be limited to Members of the Strategy Committee, Overview and Scrutiny Committee and Members who have called-in the item.

40.7 At the meeting the following will be the usual order of appearance:-

- (a) The author of the call-in report notifies Members of Overview and Scrutiny Committee of the updated position.
- (b) The “call-in” Members (one or all) make a presentation of their reasons for call-in.

- (c) Members of Overview and Scrutiny Committee may question them.
- (d) The Chairman of the Strategy Committee (or his or her nominated representative) ~~E~~explains why the decision was made.
- (e) Members of Overview and Scrutiny Committee may question him/her.
- (f) Any other contributions from representatives from outside the Council.
- (g) Members of Overview and Scrutiny Committee may question him/her.
- (h) The author of the report presents his/her papers with or without comments. The Officer is not expected to make a further presentation.
- (i) Members of Overview and Scrutiny Committee may question him/her.
- (j) Member of the Strategy Committee (as above) to respond.
- (k) Discussion takes place.
- (l) There will be a vote giving the reason for the Overview and Scrutiny Committee's decision (if the Strategy Committee Member has indicated that he/she is prepared to take the matter back to the Committee that will be noted and referred to together with the reason).
- (m) The Chairman of the Overview and Scrutiny Committee will have the discretion to operate the above process flexibly where it is considered that changes would be conducive to the effective performance of the Scrutiny role.

40.8 Questioning

Overview and Scrutiny Committee Members may ask any questions which are supplemental or related to the reason(s) attributable to call-in. The decision as to whether such questions are appropriate will be a matter for the Chairman of Overview and Scrutiny Committee.

41. EXCEPTIONS

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-

- (a) that each Overview and Scrutiny Committee may only call-in ten decisions per year (save that Council may decide at any time to increase the number of call-ins each year as provided for in Article 4 of this Constitution;
- (b) ~~f~~Five~~The Chairman and four Members of an~~ Overview and Scrutiny Committee Members are
 — needed for a
 — decision to be called-in. Neither Chairman of the Overview and Scrutiny Committees

shall sign a call-in request.

42. CALL-IN AND URGENCY

- 42.1 The call-in procedure set out above shall not apply where the decision being taken by the Strategy Committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Chairman the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 42.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.
- 42.3 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

G:\DOCS\Committee\REPORTS\Overview&Scrutiny\Joint Committees\111206 Call-in Version 2.doc

PROTOCOL 2.

BABERGH DISTRICT COUNCIL PROTOCOL FOR USE OF CALL-IN PROCEDURE

There are five key elements for overview and scrutiny:

- Holding the Strategy Committee to account;
- Policy Review;
- Policy Development;
- Improvement reviews, including Best Value;
- External scrutiny.

These functions are carried out either by looking at individual decisions or whole policies and strategies. Councillors can develop new policies and look at service delivery through Best Value reviews and performance management information. Issues can be investigated in depth (in which case a Planning Assessment Sheet should be drawn up as a first step), or be looked at over one meeting, or be for information only.

Members of the Overview and Scrutiny Committees also have the right to ~~call-in-a decision. This means they may seek to~~ challenge a Strategy Committee decision before it is implemented and ask Strategy Committee or Council to reconsider, through the call-in procedure.

Set out below These are the criteria against which the Council expects any request for call-in to be judged. ~~The call-in procedure applies to all decisions made by the Strategy Committee.~~

Members should refer to the Overview and Scrutiny Procedure Rules referred to in Part 4 of the Constitution, with particular reference to Paragraphs 38 to 42.

The Council does **NOT** expect Members to call in a Strategy Committee decision **UNLESS** one or more of the following circumstances applies –

- the decision commits the Council to expenditure exceeding £100,000;
- there is reasonable concern over the lawfulness of the decision;
- the decision appears to be contrary to the Budget or one of the policy framework plans or strategies;
- the decision appears to be inconsistent with any other policy approved by Council or the Strategy Committee;
- the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny Committee and accepted by eCouncil or the Strategy Committee;

- the Strategy Committee has overlooked some relevant and material consideration in arriving at its decision;
- the Strategy Committee appears to have acted unreasonably in failing to consult relevant stakeholders on some relevant and material issue before arriving at its decision;
- the Strategy Committee has not taken its decision in accordance with the decision-making principles set out in Article 12 of the Constitution; or
- the Strategy Committee has taken a decision outside its Terms of Reference as set out in the Responsibilities for Functions in Part Three of the Constitution

In addition, the Council expects Members to satisfy themselves, before deciding to call in a particular Strategy Committee decision that the delay which will ensue, as a consequence of calling in the decision in question, is unlikely to cause prejudice to the interests of the Council or third parties

[G:\DOCS\Committee\REPORTS\Overview&Scrutiny\Joint Committees\111206 Call-in Protocol 2.doc](#)