

Extract from Version 5 Section 7 on Scrutiny Committee

The following are relevant extracts from the Constitution:

“Scrutiny Committees

7.3 In order to achieve this, the Council will appoint three Scrutiny Committees (and in addition the Council will participate in a PSB Scrutiny Committee) which between them will:”

“7.3.4 exercise the right to call in for reconsideration decisions made, but not yet implemented, by the Cabinet and Officers.”

“General Functions

7.6 Within their terms of reference, Scrutiny Committees will:”

“7.6.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented, by the Cabinet, a committee of the Cabinet, a member of the Cabinet, an officer exercising functions delegated by the Cabinet. (See Call-In Procedure – Rule 7.37);”

“Call-in Procedure Rules

7.36.1 Where a decision is made by the Cabinet or an individual member of the Cabinet or a Committee of the Cabinet or under joint arrangements with other public bodies, the decision shall be published by the Monitoring Officer,.....”

“7.36.2 The communication to Councillors sending them the decision will (a) bear the date on which the decision is published and (b) will specify the date when the decision will come into force (subject to Rule 7.37.3) and may then be implemented, on the expiry of five clear days (the “Call-in Period”) after the date of publication of the decision, unless the appropriate Scrutiny Committee objects to it and calls it in for review within the Call-in Period.”

“7.36.3 During the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the relevant Scrutiny Committee if so requested in the specified format (“the Call-In Request”⁵) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

7.36.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or

7.36.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or

7.36.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.”

“7.36.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.36.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer will then arrange for a “Call-In Notice”⁶ to be issued in accordance with Rule 7.36.5 below. “

“7.36.5 A Call-In Notice must contain the following:

7.36.5.1 details of the condition set out in rule 7.36.3 above being relied upon;

7.36.5.2 the reasons why it is believed one or more of the conditions are satisfied;”

“7.36.6 The Monitoring Officer shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the appropriate Scrutiny Committee , and usually within 10 clear days of the receipt of the Call-In Request (the “Scrutiny Period”) (only in exceptional circumstances will the chair of the Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).”

“7.36.7 If, having considered the decision, the Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council for review. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in”

“ Call-In and Urgency

7.37.1 The call-in procedure set out in Rule 7.36 above shall not apply where the decision being taken is urgent. A decision will be urgent if:

7.37.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council’s or other public interests; and

7.37.1.2 the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest; and

7.37.1.3 the chair of the relevant Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Scrutiny chair then either the Scrutiny vice chair or the chair of Council may agree to the decision being treated as a matter of urgency; and

7.37.1.4 the record of the decision, and notice by which it is made public, shall state that the decision is an urgent one, and that the urgency of the matter has been approved by the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.

7.37.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the relevant Scrutiny Committee, together with the reasons for urgency.