

## **Scoping Report for the Proposed Review of Call-in Procedure**

### **SUMMARY**

- 1.1 Experience from recent Call-in meetings shows that the procedure for call-in of Council Cabinet decisions can be subject to different interpretations, which can lead to confusion and potential impasse at Call-in meetings. The Chair of Corporate Scrutiny and Climate Change Board has therefore requested that the Resources and Governance Board undertake a review of the Call-in procedure and make appropriate recommendations to improve the process. This scoping report provides details on the proposed review.

### **RECOMMENDATION**

- 2.1 To consider and agree to conduct a review of the procedure, protocol and the notice of call-in
- 2.2 To consider and agree the terms of reference the review detailed below.

### **REASONS FOR RECOMMENDATION**

- 3.1 The Resources and Governance Board is responsible for scrutiny of matters related to governance and is therefore asked to consider and set its terms of reference for the review.

### **SUPPORTING INFORMATION**

- 4.1 Discussion at recent Call-in meetings has largely revolved around the procedure rather than the substance of the breaches of the decision making principles. This may in part be due to different interpretation of the text of the Council's Call-in procedure between the signatories and board members. To avoid confusion and strengthen the procedure for Call-in, the Chair of Corporate Scrutiny and Climate Change Board has asked the Resources and Governance Board to review the Call-in procedure.

- 4.2 Any changes to the Council Constitution, including those affecting governance matters, must be approved by Council. It is therefore proposed that a special meeting of this board is held, within the next few weeks, and invite the witnesses listed below to give evidence. This will enable the Board to agree its final report at the August meeting and submit a report with recommendations for consideration by Council in September. The witnesses could include:
- Leaders of the three political groups
  - Monitoring Officer
  - Chair of Corporate Scrutiny and Climate Change Board
- 4.3 The Board may also consider adopting the following terms of reference:
- Review the current text in the Constitution related to Call-in as well as the protocol and the Notice for Call-in
  - Review elements of the call-in procedure that work well and areas that have caused confusion and could be strengthened
  - Broad guidance to allow the Monitoring Officer to rule on the validity of the Call-in. This may include the level of information to be provided by the signatories otherwise the Monitoring Officer may rule the Call-in to invalid
  - Protocol for additional witnesses to give evidence to the board. This may include:
    - the process for inviting external witnesses and how they could add value
    - the maximum number of witnesses to be allowed to attend
    - length of advanced notice to be given to the chair of their attendance
    - order and length of time they can speak
  - Procedure for all people speaking at the Call-in meeting- to clarify the order in which people are allowed to speak and when the Board can ask questions and whether a limit should be placed on length of time for initial submission
  - Summing up and voting procedure, for determining on whether there is a breach in the decision making process
  - Role of the Monitoring Officer/ Scrutiny Officer/ Constitutional Services Officer before, during and after the meeting

<b>OTHER OPTIONS CONSIDERED</b>
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5.1 None

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Janie Berry  N/A  Phil O'Brien
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	M Hussain 01332 643647 e-mail: mahroof.hussain@derby.gov.uk None Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 None arising from this report

**Legal**

- 2.1 Section 21 (3) of the Local Government Act 2000 requires that the power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented, includes power to recommend that the decision be reconsidered by the person who made it.

**Personnel**

- 3.1 None arising from this report.

**Equalities Impact**

- 4.1 None arising from this report.

**Health and Safety**

- 5.1 None arising from this report.

**Environmental Sustainability**

- 6.1 None arising from this report

**Asset Management**

- 7.1 None arising from this report.

**Risk Management**

- 8.1 None arising from this report.

**Corporate objectives and priorities for change**

- 9.1 Our aim is to work together so that Derby people enjoy good health and well-

being and an active cultural life.