

The attached Appendix contains a proposal to amend the Select Committee Procedure Rules and the associated Protocols relating to call-in powers. The proposed amendment would remove the requirement for call-in requests to be made by 5 members from at least 2 political groups. The proposal in the Appendix provides that the number of Members required to call in a decision will be equal to the number of opposition Councillors appointed to the particular Select Committee concerned. This would provide greater flexibility in terms of any future changes to political proportionality as well as preserving the Constitutional rights of minority groups to call in executive decisions.

APPENDIX

Proposed Amendments to Select Committee Procedure Rule 15

15. Call-in

- (a) When a decision is made by the Cabinet, an individual Cabinet Member or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. Chairmen of all Select 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 5 working days after the publication of the decision, unless a Select Committee objects to it and calls it in.
- (c) During that period, the Director of Corporate Resources shall call-in a decision for scrutiny by the Committee if so requested by the Chairman or ~~any five~~ **the required number of** voting members of the Committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within 5 working days of the decision to call-in. **For the purposes of this paragraph, the required number of voting members shall be equal to the total number of opposition members appointed to the Select Committee concerned.**
- (d) If, having considered the decision, the Select Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Select Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Select Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.

- (f) If the matter was referred to full Council and the Council does not object to a 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 the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it a meeting will be convened to reconsider within 5 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, 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.

EXCEPTIONS

- (h) 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:
- i) each Select Committee may only call-in 3 decisions per three month period, each period commencing on the 1st April, 1st July, 1st October and 1st January;
 - ii) ***the required number of voting members of a Select Committee needed for a decision to be called in shall be equal to the total number of opposition members appointed to the Select Committee concerned;***
 - iii) once a member (other than the Chairman) has signed a request for call-in under paragraph 15 (call-in) above, he/she may not do so again until a period of 1 month has expired.

Proposed Amendments to Scrutiny Protocol for Select Committees

CALL-IN

37. The power of call-in is a particular form of scrutiny. When call-in is used it has the effect of delaying the implementation of the decision. Under the Rules, only decisions of the Cabinet (either collectively or individually) or key decisions taken by officers or Area Committees can be called-in.
38. The process of call-in is subject to certain limitations and time constraints which are set out in the Rules.
39. The power of call-in may be exercised by the Chairman of the relevant Select Committee **or the required number of voting members of a Select Committee in accordance with the Select Committee Procedure Rules. The required number of voting members shall be equal to the total number of opposition members appointed to the Select Committee concerned. at least 5 members of the Committee from 2 or more political groups (with the exception of the Select Committee for Lifelong Learning where any 5 members or voting co-opted members may exercise the power). In the case of these Select Committees who only have a membership of 9, the Council has decided that the power of call-in may be exercised by 4 members from at least 2 political groups.**
40. The Director of Corporate Resources will send written notification to the decision maker of the decision of the Select Committee within two working days of the meeting. If there is a reference back to the decision maker either by the Select Committee or the Council, the decision maker will send written notification of the final decision to the Director of Corporate Resources who will forward it to each member of the Select Committee. The notification will include the reasons for the reference back and the decision maker's response. If the decision maker alters the original decision, this will be recorded in a fresh Decision Sheet that will refer to the outcome of the call-in and the reasons for altering the original decision. If the decision maker confirms the original decision without amendment, the decision will become effective immediately.
41. The principles and procedures contained in this protocol apply equally to call-in with the exceptions of paragraphs 15 (seven working days notice of questions) and 33 (consulting invitees on factual accuracy of the draft report). In view of the time constraints on the exercise of call-in it will not normally be possible to give seven days written notice of questions but the Chairman and lead officer should endeavour to give as much notice as possible. Similarly, time constraints may not make it possible for invitees to have a draft copy of the report and, therefore, the Committee has the discretion to drop this requirement as it considers appropriate.

