

FLINTSHIRE COUNTY COUNCIL

OVERVIEW & SCRUTINY

CALL-IN ARRANGEMENTS

1. Background

The arrangements for calling in a decision are to be found in paragraph 16 of the Overview & Scrutiny Procedure Rules contained within the Council's Constitution. The legal authority is derived from section 21 (3) of the Local Government Act 2000. This note summarises the provisions in the Constitution.

2. Decision of the Cabinet

When a decision is made by the Cabinet, the Democracy & Governance Manager publishes a record of those decisions within two days of them being made. Copies are available at County Hall, and are sent to all Members of the County Council.

The decision record bears the date on which it was published and specifies that the decision will come into force, and may then be implemented on the expiry of five working days after the publication of the decision, unless it is called in within 5 working days after the publication of the decision

3. Calling in a Decision

If the Democracy & Governance Manager receives a request from the Chair or at least four members of the Council, (for the avoidance of doubt such a request should be in writing, giving the reason for the call-in, and signed by all parties) the Democracy & Governance Manager will notify the decision taker of the call-in, and then arrange a meeting of the Committee within seven working days of the decision to call-in. (The last working day before Christmas and the three working days between Christmas and New Year will not be counted as working days for the purposes of this paragraph).

4. The Call-in Meeting

By their nature, call-in meetings will be held at short notice (i.e. within seven working days of the call-in decision) and the only item of business to be transacted would normally be to deal with the call-in. However, from time to time it is expedient to consider a call in at a meeting which has already been convened.

It is suggested that the procedure outlined below be used at such a meeting.

5. Procedure for a Call-in Meeting

- (i) The decision makers who have been invited to the meeting (usually the relevant Cabinet Member(s) and/or Director(s)) can be admitted to the committee room at the start of the meeting, and sit in the public gallery. It would not be appropriate for them to be seated at the committee table as this would imply that they were able to take part throughout the meeting.
- (ii) The Chairman will invite the Member Engagement Manager to briefly outline the call-in procedure for Members of the Committee, explaining the time constraints within the Constitution. The Officer should also outline the ideal procedure, set out below, for an Overview & Scrutiny Committee to deal with a call-in meeting.
- (iii) The Chairman should invite the decision makers and any initiators of the call-in who are not Members of the Committee to take their places at the table. The initiators of the call-in (those who have signed the letter) will then explain and clarify their reasons for calling in the decision. This can be by means of a spokesman, or by several Members contributing.
- (iv) The decision makers would then have the opportunity to respond to the issues raised by those initiating the call-in.
- (v) The Chairman will then invite questions from Members, and the decision-makers and call-in initiators will be invited to answer the questions.
- (vi) At the end of Members' questions, the Chairman will ask the initiators of the call-in and the decision makers to sum up their respective cases. Once this has concluded, the Chairman will ask those who are not Members of the Committee to withdraw from the committee table. They are able to return to the public gallery and witness, but not participate in the rest of the proceedings.
- (vii) The Chairman will then invite the Member Engagement Manager to explain the Committee's options for decision contained in the Constitution. The decision should include one of the four options given below, which are contained in the Constitution.

Option 1

If, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, it will indicate as such, in order for the decision to be implemented.

Option 2

If, having considered the decision, the Overview & Scrutiny Committee is 'no longer concerned', having received the explanations, but is not

minded to indicate that it is 'satisfied with the explanation', then it is in order for the Committee to resolve that 'the explanation be accepted but not endorsed by the Overview & Scrutiny Committee'.

Option 3

If, having considered the decision, the Overview & Scrutiny 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. If referred to the decision maker then the decision maker shall then reconsider, at the earliest scheduled meeting, amending the decision or not, before adopting a final decision.

Option 4

If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer the matter to full Council. If referred to full Council, the Council shall meet to consider the referral within 10 working days unless there is a scheduled meeting of the full Council at which the matter may be considered within the expiry of a further 5 working days.

Note:

If either Option 1 or Option 2 is decided upon, the Cabinet decision can be implemented after the Overview & Scrutiny meeting. If either Option 3 or 4 is decided upon, the Cabinet decision cannot be implemented after the Overview & Scrutiny meeting until it has received further consideration by either the Cabinet or Council.

- (viii) The Committee will then discuss the matter and following debate, reach a decision.