

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 within section 21 (3) of the Local Government Act 2000. This note summarises the provisions in the Constitution and identifies changes required due to the pandemic and our holding Remote Attendance Meetings.

2. Decision of the Cabinet

When a decision is made by the Cabinet, the Head of Democratic Services publishes a record of those decisions within two days of them being made. This record is emailed to all Members of the County Council.

The decision record is dated the day it was published and specifies that

- the decision will come into force, and may 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

For a call in to be initiated, the Chief Officer (Governance) or Head of Democratic Services must receive a request from the Chair of the relevant Overview & Scrutiny committee or at least four Members of the Council.

The call in email should be sent via a Flintshire.gov.uk email address to the Head of Democratic Services, stating the reason for call in. The first signatory should include the words 'call in' as the subject and should copy in the other proposed signatories. Those signatories should then email the Head of Democratic Services, using their Flintshire email addresses, saying 'I endorse the call in of record of Decision No XX'

This will ensure that there is an audit trail of signatories, in writing, of the call in, electronically signed (and from their Flintshire email addresses) by all parties. The Head of Democratic Services 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 day and the three non-public holiday 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 can often 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 Chair will invite the Head of Democratic Services or Overview & Scrutiny Facilitator 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.
- (ii) The Chairman will then invite the initiators of the call in to explain and clarify their reasons for calling in the decision. This can be by means of a spokesman, or by several Members contributing.
- (iii) The decision makers will then have the opportunity to respond to the issues raised by those initiating the call in and provide further information if they believe that it will assist the Committee's understanding of the decision.
- (iv) The Chair will then invite questions from Members, and the decision-makers and call in initiators will be invited to answer the questions.
- (v) At the end of Members' questions, the Chair will ask the initiators of the call in and the decision makers to sum up their respective cases.
- (vi) The Chair will then invite the Head of Democratic Services or Overview & Scrutiny Facilitator 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.

If it is apparent from the discussion that there is a clear preference for a particular option, it may be possible for the officer advising the chair to indicate whether they object or wish to abstain. However, it may be necessary to conduct a 'roll call' vote (similar to a recorded vote, but a quicker process with 12 members on a committee)