



GOVERNANCE COMMITTEE

Subject Heading:	Call-in of Executive Decisions - timing
CMT Lead:	Ian Burns, Acting Assistant Chief Executive
Report Author and contact details:	Ian Buckmaster, Committee Administration & Member Support Manager
Policy context:	Reviewing the procedure for call-in of Executive Decisions in the light of the availability of new technology
Financial summary:	There are no direct cost implications or risks.
Has an Equality Impact Assessment (EIA) been carried out?	Not required

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

This report invites the Committee to consider two possible changes in the Council's Overview & Scrutiny Procedure Rules intended to streamline the call-in procedure for the review by Overview & Scrutiny Committees of executive decisions made by Cabinet, Cabinet Members and, if Key, by officers.

The report suggests that the period for call-in of executive decisions could be adjusted in the light of the availability of earlier notifications using new technology and that a specific timescale for the holding of OSC meetings following a call-in be introduced.

RECOMMENDATIONS

That the Committee consider whether to **RECOMMEND to the Council** that:

- (a) Executive Decisions be formally published as soon as practicable following their being taken, through *Modern.gov* rather than Calendar Brief
- (b) The period for call-in begin on the day following publication through *Modern.gov* (but remain three working days)
- (c) Where an Executive Decision has been called in, a meeting of the relevant Overview & Scrutiny Committee(s) be held to consider it as soon as possible and, so far as practicable, within 10 working days of submission of that call in (unless a meeting of the Committee is scheduled to be held within 15 working days, in which case the matter be dealt with at that meeting)
- (d) The Overview & Scrutiny Procedure Rules be adjusted to give effect to these changes, as set out in the Appendix to this report.

REPORT DETAIL

- 1 As part of its executive decision-making process, the Council is obliged by the Local Government Act 2000 (as amended by the Localism Act 2011) to make arrangements for the review of certain executive decisions by the relevant Overview & Scrutiny Committee (OSC). The current arrangements enable an Executive Decision by Cabinet, by an individual Cabinet Member or, if Key, by an officer to be called in, provided that the call-in procedure is complied with (there are limited exceptions to call-in but they are not relevant to the consideration of this report).
- 2 The call-in procedure is set out in the Council's Overview & Scrutiny Procedure Rules (OSPRs). The basic steps in the procedure are:
 - two Members from different Groups (or in the case of the Children's OSC, co-opted Members) may submit a requisition, setting out the grounds of their call-in
 - decisions are taken to be "published" on the Friday of each week (or earlier at Easter and Christmas) in the edition of Calendar Brief for that week
 - the requisition must be submitted within three working days of the publication of the decision (i.e. generally midnight of the Wednesday of the following week)
 - once called in, a decision may not be acted upon until either the requisition has been disposed of, or withdrawn

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- once called in, the decision is referred to the relevant OSC at either its next ordinary meeting or to a special meeting if the ordinary meeting is not due to be held relatively soon. The aim is to deal with the call-in within two weeks or so
 - there is provision for “holding requisitions” (a decision is called in, but opportunity is taken for discussion with the decision-maker rather than referral to the relevant OSC in an effort to address issues of concern informally)
 - if the call-in is upheld, the decision must be reviewed by the Cabinet; if not, the decision may be implemented forthwith
- 3 Where more than one OSC has a relevant interest in the matter under review, each will normally be invited to consider the call-in.
- 4 This report does not propose any fundamental change in the call-in procedure but invites consideration of two issues around timings within it.

Period for call-in

- 5 As noted above, decisions for call-in have hitherto been published weekly in Calendar Brief on a Friday. This practice arose at a time when email and website technology were in their infancy and most, if not all, Members and senior staff relied upon a hard copy edition of Calendar Brief as their principal source of information.
- 6 For some time, Calendar Brief has both been published in hard copy and circulated by email, with hyperlinks to copies of executive decisions, which have also been available on the website. The “three working days” have not begun until 00.01 hours on the Monday following publication, even though the emailed version of Calendar Brief has generally been circulated on the Thursday, as soon as it is available. On occasion, a decision might have just missed the deadline for publication in Calendar Brief and thus not be published for call-in purposes for a week.
- 7 Until very recently, publication via Calendar Brief was the only generally reliable way of ensuring that any Member who might wish to call-in a decision had the means of doing so. Members will be aware, however, that following the introduction of the *Modern.gov* Committee Management software by Committee Administration, it is now possible to alert Members to the publication on the website or intranet of a range of reports and other material. Included in the alerts available is one relating to the publication of Executive Decisions by individuals, both Member and officer.
- 8 It is, therefore, open to the Committee to consider whether the call-in procedure for both Cabinet decisions and individual Executive Decisions should continue to use the publication of Calendar Brief as the trigger, or to replace it by publication of a decision through *Modern.gov*.
- 8 “Publication by *Modern.gov*” comprises the posting of a decision to the intranet and, unless confidential or exempt, the public website. At the time of

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publication, an email is autogenerated by *Modern.gov* and sent to those who need to know about it. The text of the email includes details of the call-in deadline.

- 9 If Members' so wished, therefore, it is now possible to cease the use of Calendar Brief as the trigger for the call-in process – details of decisions taken would still appear in it but the call-in process would instead be triggered by publication through *Modern.gov*.
- 10 The effect of this change would be that “the clock would start ticking” for call-in as soon as the email was sent notifying the appearance of the decision on the website. In practice, this would reduce by several calendar days the period during which a call-in could be made, although there would still be a minimum of three working days between publication and deadline (and the day of publication would of course not count as one of those three days).
- 11 The Committee is invited to consider whether to amend the OSPRs to change the publication arrangements for Executive Decisions.

Arranging for review by an Overview & Scrutiny Committee

- 12 Once a decision has been called in, arrangements need to be made for the relevant OSC to convene a meeting to consider the matter. Generally, unless the next ordinary meeting is imminent, a special meeting of the OSC will need to be called.
- 13 A balance is needed between:
 - compliance with the legal requirements for convening a meeting
 - ensuring that the executive business of the Council can be taken forward without avoidable disruption
 - ensuring that the Members who have submitted the requisition have due opportunity to explain the reasons for their requisition and to seek the support of the OSC
- 14 In practice, this means that the OSC will generally need to meet either at the end of the week following receipt of the requisition or during the week following that.
- 15 Currently, there is no specific timescale for convening an OSC meeting following receipt of a requisition. This has, on occasion, led to difficulty and it is now suggested that it would be useful to include in the OSPRs a requirement that the OSC should be convened to meet within 10 working days of the requisition being received, where it is practicable to do so (for example, it might not be practicable to do so over the Christmas/New Year period; nor where the OSC in question was due to meet any way within a few days of those 10).
- 16 The Committee is, therefore, invited to consider whether to recommend that such a requirement be added into the OSPRs.

Amendment to the Constitution

- 17 If the Committee accepts these suggestions, it will be necessary to recommend to the Council that the Constitution be amended. The requisite changes are set out in the Appendix.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications or risks associated with any changes that arise out of this report. To the (very limited) extent that the changes result in additional administrative activity, its costs will be met out of existing budget provision. In the long-term, a small reduction in costs – particularly of printing – is expected.

Legal implications and risks:

There are no legal implications or risks. The changes proposed comply with current legal requirements, and merely amount to a slightly different approach to existing administrative practice.

Human Resources implications and risks:

No HR implications or risks arise.

Equalities implications and risks:

No Equalities Assessment has been carried out, or is required. Nothing in the proposals now presented affects any individual's or group's rights.

BACKGROUND PAPERS

There are no background papers.

Overview & Scrutiny Procedure Rules

For ease of reference, the proposed changes in the text are highlighted.

17 Call-in (“requisition”) procedure

- (a) All decisions of Cabinet and individual Cabinet members, and all key decisions taken by an officer will be notified to all members, who shall be entitled to requisition that decision. Notification will be by email to all members indicating the availability of the decision on the Council’s website, and the latest date for submission of a requisition.
- (b) If the Committee Administration and Member Support Manager is notified of a requisition of a decision shown on that notification within three working days of the issue of the email referred to in (a) above, then that decision shall not be acted upon but shall be submitted to the OSC as soon as possible, either at the next ordinary meeting if due within 15 working days of receipt of the requisition or at a special meeting convened for the purpose (to be held, so far as practicable, within 10 working days of the receipt of the requisition), for determination.