

11th February 2015

**To the Chair and Members of the Overview
Overview and Scrutiny Management Committee**

REVIEW AND REFRESH OF CALL- IN PROCESS

Relevant Cabinet Member(s)	Wards Affected	Key Decision
The Mayor	All	None

EXECUTIVE SUMMARY

1. The Committee is asked to consider revisions to the Call In process to ensure it remains robust and fit for purpose.

RECOMMENDATIONS

2. That the Committee recommend Council consider the proposed amendment to Overview and Scrutiny Procedure Rule 9 (d):

At any time during the call-in period any 4 Members of the Council (provided that not all the Members are from the same Political Group), or any 5 Members of the Council from the same Political Group, may trigger a call in by satisfactorily completing and signing a form approved by the Council for this purpose and delivered to the Monitoring Officer within the required timescales. The Monitoring Officer will rule on the validity of the Call In.

3. The OSMC agree the proposed revisions to the Call In protocol and process detailed at Appendix B.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Call In is a mechanism enabling elected Members to hold the Executive to account. Through review and consideration of a decision taken but not yet implemented Call In opens up decision making to greater public scrutiny and helps improve openness and transparency. Elected Members are able to act on concerns of the citizens and communities they represent through Call In and the proposed revision to the Call In trigger will ensure that this remains proportionate to the number of elected Members. The Overview and Scrutiny protocol provides clarity on the procedure for Call In and the proposed changes seek to ensure it remains relevant, robust and fit for purpose.

BACKGROUND

5. Call In enables elected Members not on the Executive to trigger a meeting of OSMC to review a decision taken but not yet implemented and where appropriate make recommendations to the Executive to reconsider and improve the decision. The Constitution states that “*Call-In is an exceptional step to be used when Members consider it to be a proportionate step, which will be of benefit to the delivery of services under the Budget and Policy Framework or will improve the decision-making process*”. (Overview & Scrutiny Procedure Rules 9 (a))
6. To promote good governance it is essential that checks and balances exist within the decision making process to enable decision makers to be publicly held to account. The Constitution also encourages regular review of processes and procedures such as Call In to ensure they remain appropriate and fit for purpose.
7. The proposed changes detailed within this report take account of comments and views expressed over the last municipal year to strengthen current arrangements and ensure there is clarity and understanding of what is required from all parties involved in the process. It also takes account of the number of Members able to trigger Call In following a reduction of elected Members from 63 to 55. The most significant changes are detailed below for the Committee’s consideration and are summarised in the table at Appendix A.

Amending the Call In Trigger

8. Overview and Scrutiny Procedure Rule 9 (d) currently states:

At any time during the call-in period any 5 Members of the Council (provided that not all the Members are from the same Political Group), or any 7 Members of the Council from the same Political Group, may trigger a call-in by satisfactorily completing and signing a form approved by the Council for this purpose and delivered to the Proper Officer within the required timescales.

9. Following the reduction in the number of Councillors from 63 to 55 from May 2015 it is proposed that the trigger for Call In be amended to *any 5 Members (who may or may not be from the same political group) or any 4 Members provided they are not all from the same political Group*. This amendment reduces the current threshold and would take account of the reduction in the number of Councillors.
10. In addition a number of authorities to have a process for ensuring that a Call In is valid before a meeting of OSMC is convened. Whilst there may be disagreement between Members as to whether they support a decision the Monitoring Officer is well placed to consider whether there may be some issues around the decision making process that would benefit from a re-examination subject to Members following the agreed procedure and clearly articulating their concerns around the decision making process. The Monitoring Officer can (in consultation with other statutory officers if necessary) provide clarity that the form has or has not been “satisfactorily” completed and rule whether or not the Call In is valid e.g. if the reasons are deemed vexatious, frivolous unclear or the agreed process has not been followed.

11. Members are reminded that following circulation of the key decision record form there is a period of 7 working days to complete and submit the Call In form. In particular the Monitoring Officer and Governance and Member Services Manager and his/her team are available to provide advice and guidance to Members on the Call In process to help them exercise their democratic right. Although Call In should be seen as the exception, where Members are demonstrating clear concerns and have followed the agreed process Call In should be supported as a means of promoting good governance by strengthening the accountability of decision makers and transparency within the decision making processes.

Revising The Call In Protocol

12. The current Call In protocol has been refreshed to incorporate proposed changes and is presented to Members for consideration at Appendix B. Any changes are indicated in this document by a ~~strike through~~ to indicate where words have been deleted and **highlighting** where additional text has been included. The Call In form attached to the protocol has also been updated and any significant changes are similarly indicated. A number of changes are grammatical or reflect the new structure and job titles of officers within Governance Services and these are therefore not highlighted below.

Key Changes Detailed In The Protocol

13. **Section 7** - As well as detailing the proposed changes to the Call In trigger this section includes an additional point of clarification that each called in decision should be supported by a separate Call in form. This will help to avoid any confusion or misunderstanding and ensure the meeting can be effectively managed dealing with each decision in turn.
14. **Section 9** - *To ensure the process is robust Members must clearly state the reasons **why** and **how** they believe the decision is inconsistent with these principles (of decision making) as this then forms the basis of the debate and discussion at OSMC.*
15. This is crucial to the Call In process. As Call In should be concerned with effective decision making the Call In form has been reformatted to ensure those triggering the Call In can clearly identify where they believe there have been inconsistencies in the decision making process. The revised Call In form requires Members to identify and explain **which** of the key principles of decision making (Article 8.02 of the Constitution), detailed on the front of the Call In form they believe have not been followed and **why**. Therefore rather than just stating "consultation" as a reason for Call In this should be more explicit e.g. "there was limited consultation with key service users X and Y and Z days was insufficient time for key stakeholders to provide effective feedback." This has now been made more explicit in the Call In form by detailing the decision making principles within the body of the form rather than as an appendix.
16. This revision takes account of the Committee's recommendation made at its meeting on 23rd January 2015 when considering the Called In decision in respect of Recommendations for Implementing a Selective Licensing Scheme for Private Sector Landlords in Hexthorpe The Committee confirmed that in order to undertake its role effectively "*any future Call In forms that are submitted*

should be consistent with the guidance contained within the Overview and Scrutiny Call In Protocol and in particular Members are required to provide clear and explicit reasons for triggering Call In”.

17. **Section 12** There have been occasions where a Called In decision has been considered as an agenda item at an ordinary meeting. To ensure the meeting can be managed more effectively in future it is proposed that a Call In should always be considered at an extraordinary meeting. If a meeting of OSMC is already scheduled the Call In meeting could take place immediately before or after the scheduled OSMC meeting.
18. **Section 13** *Any requests by those calling in the decision to allow **expert witnesses** **persons with specialist knowledge** or others to attend should be made to the Chair at least 3 working days in advance of the meeting. This will allow an opportunity to consider any issues around the information or evidence to be presented and to ensure the Committee receives a balanced view at the meeting.*
19. As the Chair is responsible for the effective management of the meeting it is good practice to ensure the Chair is informed in advance if there are any additional requests for individual's to speak. This will support better management of the meeting and ensure there is an opportunity to consider a balanced range of views. The information presented by persons with specialist knowledge should directly relate to the reasons identified for Call In rather than just relating to the wider decision.
20. **Frequently Asked Questions - 2. Can The Chair or a Member of OSMC sign the Call In form and participate in the meeting?** This section has been amended to clarify that whilst a Member of OSMC can sign a form to trigger a call In it would be inconsistent with good governance principles if they were to participate as a Member of the Committee. They can of course attend in the capacity as a Member of the Call In Group but not as a Member of the Committee. The Committee should be seen to be objective in its deliberations forming its recommendations on the evidence and information received at the meeting. If a Committee Member has triggered the Call In this could be perceived that the Member has already pre-determined that the decision was flawed.

Proposed Changes to the Call In Form

21. **Section 1 Reasons For Call In** – The principles of decision making are listed at the front of the form. Using these principles Members are asked to explain **why** and **how** they believe the decision is inconsistent with these principles. (see paragraphs 15-17 above)
22. **Section 2 Has this decision Previously Been Considered By Overview And Scrutiny?** This issue was previously included in the Call In protocol but has now been incorporated as a question in the Call In form. One of the key issues raised at the Call In meeting of 29th July 2015 was the extent to which OSMC should consider a decision it had already reviewed in detail as part of its pre decision scrutiny of Council Day Care Provision and Residential Care Homes. To avoid duplication and enhance the decision making process Members triggering a Call In under these circumstances would need to clearly identify why they believe the

issue should be reconsidered, in particular highlighting any issues that were not previously taken account of or any significant changes or revisions to the decision since Overview and Scrutiny's initial consideration. This would in effect be new evidence or information that Members felt was significant enough to justify a further review rather than repeating the information from the previous meeting.

23. **Sections 3, 4 and 5. Have You Contacted The relevant Officer, Executive Member and Scrutiny Chair Regarding Your Concerns Over This Issue?**
24. Members are now asked to record **when** they have contacted the relevant individuals to discuss their concerns. This will help demonstrate that efforts have been made to seek clarification or assurances over any concerns. It is worth noting that there may be occasions where it has not been possible for Members of the Call In Group to raise their concerns and any reasons for this should be detailed on the form e.g. sickness or holiday etc.

Format of the Meeting

25. Appendix B of the protocol details the format of a Call In meeting. The changes detailed in this section reflect the changes proposed earlier in this protocol.

OPTIONS CONSIDERED

26. The Committee is asked to consider revisions to the Call-in Protocol and to agree that Council consider changes to the Call In trigger. The only other option is to make no changes to the existing Call-in Protocol.

REASONS FOR RECOMMENDED OPTION

27. This report provides the Committee with an opportunity to agree a Protocol that provides clear and robust reasons for triggering a Call-in and improves clarity to Members on how the process operates. Amending the Call In trigger reflects the reduction in the number of Councillors from May 2015 following the Electoral Review undertaken by the Local Government Boundary Commission for England.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

28.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	

	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	
	<p>Council services are modern and value for money.</p>	
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>The Overview and Scrutiny function has the potential to impact upon all of the council's key objectives by holding decision makers to account, reviewing performance and developing policy. In turn this will help strengthen the Council's governance arrangements by providing greater clarity and understanding of important issues.</p>

RISKS & ASSUMPTIONS

29. To maximise the effectiveness of the Overview and Scrutiny function it is important that protocols and procedures are fit for purpose, clear and robust. Failure to achieve this can reduce the overall impact of Overview and Scrutiny thereby weakening the decision making process and the Council's governance arrangements.

LEGAL IMPLICATIONS

30. Local Government Act 2000 as amended by the Localism Act 2011 provides for Overview and Scrutiny where an authority operates Executive arrangements. Overview and Scrutiny Procedure rules state that Overview and Scrutiny Management Committee will establish and agree an Overview and Scrutiny

protocol to assist in the operation of its functions. This is reviewed periodically to ensure that the operation of the functions remains 'fit for purpose'. This report seeks to acknowledge and incorporate changes to the Overview and Scrutiny Call-in Protocol to ensure the function remains fit for purpose.

Overview and Scrutiny Procedure Rule 9 details the Call In process and any change to the Call In trigger will require a Constitutional change that will require agreement by full Council. Therefore the wider changes to the protocol can be approved by OSMC whereas the changes to the trigger would not form part of the revised protocol until such time as they are approved by Council.

FINANCIAL IMPLICATIONS

31. There are no specific financial implications associated with this report.

HUMAN RESOURCES IMPLICATIONS

32. There are no specific human resources issues associated with this report.

TECHNOLOGY IMPLICATIONS

33. There are no specific technology implications associated with this report.

EQUALITIES

34. There are no specific equality issues associated with this report. Equality issues are considered by Overview and Scrutiny when it considers individual work plan issues. Any Members who are unable to complete the Call In process or form e.g. through disability will receive assistance from officers within Governance Services.

CONSULTATION

35. Consultation on the proposed revisions have been undertaken with:

Chairs and Vice Chairs of Overview and Scrutiny
Mayor Jones and Group Leaders

BACKGROUND PAPERS

36. Overview and Scrutiny Call-in Protocol (2011)

Doncaster Council Constitution.

REPORT AUTHOR & CONTRIBUTORS

Andrew Sercombe, Governance Manager

☎ 01302 734354

✉ andrew.sercombe@doncaster.gov.uk

Roger Harvey
Assistant Director of Legal & Democratic Services