

COMMITTEE REPORT

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

19 JANUARY 2018

OVERVIEW AND SCRUTINY PROCEDURE RULES

HEAD OF LEGAL AND DEMOCRATIC SERVICES

1. PURPOSE OF THE REPORT

To consider a review of the Overview and Scrutiny Procedure Rules which forms part of the Council's Constitution and Call-In Guidance for Councillors, contained within the Members' Handbook.

2. BACKGROUND

3. The Overview and Scrutiny Procedure Rules have not been reviewed since 2002 and it is now considered to be timely, to undertake such a review.
4. The concept of 'overview and scrutiny' was originally introduced to local authorities by the Local Government Act 2000 and consolidated in schedule 2 of the Localism Act 2011.
5. The Legislation required every Council to establish a mechanism which allowed for executive decisions made but not yet implemented to be 'called in' for consideration by scrutiny. This included decisions taken by the Executive (collective or individual) or key decisions delegated to Chief Officers.
6. A Call-in by its nature acts as a delaying mechanism and should be used in exceptional circumstances for decisions believed to be contrary to the authority's decision making principles and should be constructive and not merely there either always to oppose the executive or to rubber-stamp the executive's decisions.
7. In order to ensure the process is fair and robust it is vital that members of the Overview and Scrutiny Board and the decision maker/s have enough information prior to any Call-in meeting to; enable them to form the basis of a debate; pose appropriate questions; to provide an explanation of the decision; have adequate information in relation to the concerns/procedural issues or alternative proposals to enable them to consider and determine their recommendations.
8. How the Call-in process operates varies considerably from authority to authority and is set out in each Council's constitution.

9. Middlesbrough Council's Call-in process is set out in the Overview and Scrutiny Rules contained within the Constitution, however following on from recent Call-in's it has become evident that more detailed direction/clarity/guidance is needed within the Constitution and the Members Handbook to inform Members on the use of Call-ins; to clarify the role of Members/Officers; to modify the criteria for assessing the validity of a Call-in; and to update the Call-In procedures at the Overview and Scrutiny Board.
10. It is therefore recommended that a separate Call-in protocol is established. A copy of the revised protocol for inclusion in the Constitution is attached (Appendix 1) for consideration.
11. Following consultation with the Chair of the Overview and Scrutiny Board the Committee are asked to consider the changes to the Constitution and agree the revised protocol which will be submitted to Council for ratification. Further detailed guidance on Call-In will also be included within the Members' Handbook (Appendix 2)

12. FINANCIAL CONSIDERATIONS

There are no financial considerations.

13. RECOMMENDATION

It is recommended that Members:

- I. note the new separate protocol for Call-ins within the Constitution;
- II. note the revised procedure to be followed at Call in meetings of the Overview and Scrutiny Board;
- III. note the revised Call-in Guidance for inclusion within the Members' Handbook; and
- IV. agree that the attached should be presented to Council for approval.

14. BACKGROUND PAPERS

The Council's Constitution and the Members' Handbook.

AUTHOR

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