

Council – 19th July 2010

Protocol for the practical operation of the call-in procedure

1. Summary of report

This report proposes an amendment to the above-mentioned protocol to strengthen the guidance to Scrutiny and Performance Panels when they are dealing with the decisions of the Cabinet which have been called-in.

2. Recommendations

- (1) That the protocol for the practical operation of call-in as set out in the Constitution be amended to refer directly to the guidance notes.
- (2) That the guidance notices be amended to reflect the practicalities of invitations to attend call-in meeting.
- (3) That the Constitution be amended accordingly.

3. Background information

- 3.1 At a recent meeting of a Scrutiny and Performance Panel concern was expressed by a number of members present that not all parties having an interest in the matter before the panel had been invited to attend the meeting.
- 3.2 At the moment the guidance notes at paragraph 4 refers to formal invitations being sent out to all interested parties.
- 3.3. In order to avoid the possibility of any interested parties not being invited it is proposed that the following words be inserted into the text at paragraph 4:

“identified by the members signing the call-notice.”

These words will also be added to the forms which are used to initiate the call-in.
- 3.4 The guidance notes will also indicate that failure to attend a meeting by any interested parties invited will not be a basis for the meeting being adjourned or moved to another date.
- 3.5 Finally a note will be added to the protocol in the Constitution asking readers to refer to the guidance notes.
- 3.6 The revised protocol is attached as **Appendix A** to this report. The revised guidance is attached as **Appendix B**.

Author

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Signed:

Executive Director:


Date: 9th July 2010

7 - Protocol for the practical operation of call-in procedure

1. When a decision is made by the Executive (Cabinet), a Committee of the Executive or a key decision is made by an officer with delegated authority, that decision will be published within 2 days by the Cabinet Office.
2. It will be the responsibility of an officer taking a key decision to notify the Cabinet Office accordingly.
3. All Members will receive decisions electronically via e-mail and copies will also be placed in each Group Room.
4. The decision notice will bear the date on which it is published and the date on which the decision(s) may be implemented on the expiry of 5 working days after publication unless the decision is called-in.
5. The Chairman or any five Members of the relevant Scrutiny and Performance Panel may request the Chief Executive, in writing or by fax, using the attached form S&PP 1 through the Cabinet Office, requesting him/her to call-in a decision for scrutiny within 5 working days referred to in paragraph 4 above.
6. Five Members of the Council (not all being Members of the relevant Scrutiny and Performance Panel) may within 4 working days of the period, give notice to the Chief Executive, in writing or by fax, using the attached form S & PP2 through the Cabinet Office, requesting him/her to invite the Chairman of the relevant Scrutiny and Performance Panel to exercise the powers of call-in set out in the Constitution.
7. If the relevant Scrutiny and Performance Panel Chairman or Vice-Chairman cannot be contacted in person, or by telephone, by the end of the working day in which the request for call-in was received, communication shall be made by e-mail.
8. If the relevant Chairman of a Scrutiny and Performance Panel declines the request of the Chief Executive, the Chairman shall give reasons for that decision to the Members who made the request. In the absence of the Chairman, the Chief Executive shall consult the Vice-Chairman.
9. If the relevant Scrutiny and Performance Panel Chairman exercises his/her power of call-in, the Chief Executive shall notify the relevant decision taker(s) of the call-in and after consultation with the Chairman shall call a meeting within 5 working days of the decision to call-in, such meeting to be held within 7 working days of it being called.

- (Note: (1) The call-in procedure set out above will not apply where the decision taken by the Executive is deemed urgent and in need of immediate implementation. A decision will be deemed urgent only if it can be demonstrated to the Mayor, or in his absence the Deputy Mayor, that any delay would seriously prejudice the interests of the Council or the public generally.
- (2) Please refer to the guidance notes in this protocol.)

FORM S & PP 1


 Walsall Council	<p>NOTICE TO THE CHIEF EXECUTIVE CALL-IN OF CABINET DECISION BY SCRUTINY AND PERFORMANCE PANEL MEMBERS</p>	<p>DATE</p>															
<p>I/we being the Chairman/Members of the: <i>(delete where appropriate)</i> Scrutiny and Performance Panel, under the provisions of paragraph 17 (c) (i) of the Scrutiny and Performance Panel Rules, request the Chief Executive to call in the following item considered by Cabinet:</p> <p>Item number:</p> <p>Report title:</p> <p>Date of Cabinet meeting:.....</p> <p>for consideration by the above named Scrutiny and Performance Panel for the following reasons:</p> <p>and that following interested parties be invited to the meeting:</p>																	
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; vertical-align: top;">1.</td> <td style="padding-left: 10px;">Name</td> <td style="padding-left: 10px;">Signature</td> </tr> <tr> <td style="vertical-align: top;">2.</td> <td style="padding-left: 10px;">Name</td> <td style="padding-left: 10px;">Signature</td> </tr> <tr> <td style="vertical-align: top;">3.</td> <td style="padding-left: 10px;">Name</td> <td style="padding-left: 10px;">Signature</td> </tr> <tr> <td style="vertical-align: top;">4.</td> <td style="padding-left: 10px;">Name</td> <td style="padding-left: 10px;">Signature</td> </tr> <tr> <td style="vertical-align: top;">5.</td> <td style="padding-left: 10px;">Name</td> <td style="padding-left: 10px;">Signature</td> </tr> </table>			1.	Name	Signature	2.	Name	Signature	3.	Name	Signature	4.	Name	Signature	5.	Name	Signature
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Note 1: Paragraph 17(c) (i) of the Scrutiny and Performance Panel Rules enables the Chairman or any 5 Members of the relevant Scrutiny and Performance Panel to request the Chief Executive to call-in a decision of the executive for scrutiny by that Panel.

Note 2: This form should be completed and returned to the Cabinet Office within 5 working days of the date of publication of the decision notice.

Signed _____ Date received _____
 Chief Executive


FORM S & PP 2

 <p style="font-size: 24pt; margin: 0;">Walsall Council</p>	<p>NOTICE TO THE CHIEF EXECUTIVE CALL-IN OF CABINET DECISION BY COUNCIL MEMBERS</p>	<p>DATE</p>
<p>We, the undersigned members, under the provisions of paragraph 17(c)(ii) of the Scrutiny and Performance Panel Rules, request the Chief Executive to invite the Chairman of the:</p> <p>.....Scrutiny and Performance Panel to call in the following item considered by Cabinet:</p> <p>Item number:</p> <p>Report title:</p> <p>Date of Cabinet meeting:.....</p> <p>for consideration by the above named Scrutiny and Performance Panel for the following reasons:</p> <p>and that following interested parties be invited to the meeting:</p>		
<ol style="list-style-type: none"> 1. Name <li style="margin-left: 20px;">Signature 2. Name <li style="margin-left: 20px;">Signature 3. Name <li style="margin-left: 20px;">Signature 4. Name <li style="margin-left: 20px;">Signature 5. Name <li style="margin-left: 20px;">Signature 		

Note 1: Paragraph 17(c)(ii) of the Scrutiny and Performance Panel Rules enables 5 Members of the Council (not being members of the relevant Scrutiny and Performance Panel) to give notice to the Chief Executive to invite the Chairman of the relevant Scrutiny and Performance Panel to exercise the powers of call-in for the reasons set out in the request.

Note 2: This form should be completed and returned to the Cabinet Office within 4 working days of the date of publication of the decision notice.

Signed _____ Date received _____
(Chief Executive)

 Walsall Council	REPORT OF THE SCRUTINY AND PERFORMANCE PANEL	DATE: REF.NO:
TITLE OF THE MATTER CALLED-IN: DATE CONSIDERED BY CABINET: CABINET PORTFOLIO HOLDER: DATE OF SCRUTINY AND PERFORMANCE PANEL MEETING:		
Grounds under which the matter was called in for scrutiny: 		
Record here the Scrutiny and Performance Panel's conclusions and proposals: 		

Record here the specific recommendations of the Scrutiny and Performance Panel:

Explain here how the proposals/recommendations of the Scrutiny and Performance Panel differ from those of Cabinet:

This form provides an accurate record of the meeting of the above named Scrutiny and Performance Panel.

Chair of Scrutiny and Performance Panel (name)

.....

Signature: Date:

Guidance to Scrutiny and Performance Panels “Call In” Meetings

The following is guidance to Scrutiny and Performance Panels with regard to the conduct of meetings where a decision of the Cabinet has been subject to call-in:

1. The agenda and papers for the meeting will be sent out in accordance with the statutory provisions i.e. 5 clear days before the meeting.
2. Any written representations received by the Council with regard to the decision called-in should be sent out to members of the panel with the agenda or as soon as they are received if the agenda has already been despatched.
3. At the outset of a call-in meeting the Chairman of a Scrutiny and Performance Panel should give a short presentation for the benefit of any interested parties in attendance outlining, in general terms, the role of the Panel in considering a call-in.
4. A period of time (*) should be allowed for any interested individual or organisation to make representations in the matter to the panel and for members of the panel to ask questions. Formal invitations to attend the meeting should be sent out to all known interested parties identified by the members signing the call-notice by Constitutional Services. The Chair should endeavour to enable as many different people with differing view points to address the panel, with the aim of avoiding repetition within the period of time determined.
5. A period of time (*) should be allocated also to hear representations from the members who signed the call-in requested and for members of the Panel to ask questions. Formal invitations to attend the meeting should be sent to those members by Constitutional Services.
6. The failure of any interested parties to attend a meeting will not be a basis for the meeting being adjourned or moved to another date.
7. The Cabinet portfolio holder with responsibility for the matter called-in should then give a presentation to the panel and others present at the meeting on the considerations of the Cabinet in reaching its decision on the matter. He/she will also respond to the issues of questions raised by interested individuals or organisations at the start of the meeting. Members of the Panel should have the opportunity to question the portfolio holder.
8. The Panel should consider, debate and/or review the information presented to it and reach a conclusion on the matter, recording this on the pro-forma S & PP 3. The pro-forma should be completed by the Chairman. This is the formal response to Cabinet on the findings of the scrutiny process.

9. Cabinet receive this at a meeting to be held within a further 10 working days, at which they may consider any recommendations or conclusions unless the panel are in agreement with the Cabinet's decision in which case the response will be reported to the next available meeting of Cabinet.

** Note: The time periods are to be determined by the Chairman at the meeting.*