

Part 2 - The Articles

Chapter 8 – Scrutiny, the Select Committees and Call-in

1. Introduction

- 1.1 An effective scrutiny function is essential to achieve enhanced accountability in the borough area and ensure transparency of the decision-making process. The role of scrutiny is therefore to develop and review policy; hold the Cabinet, and officers taking delegated decisions to account; and scrutinise the work and impact of the Council and its partners on the local community.

In performing the above role, the scrutiny function will uphold the Centre for Public Scrutiny's four principles of good scrutiny, which state that scrutiny should:

- (a) provide a 'critical friend' challenge to executive policy-makers and decision-makers
- (b) Enable the voice and concerns of the public and its community
- (c) Be led by 'independent minded governors' who own the scrutiny process
- (d) Drive improvement in public services

Legislative context, Membership and Frequency of Meetings

- 1.2 Legislation prescribes that the Council shall appoint one or more Overview and Scrutiny Committees. In Barking and Dagenham the overview and scrutiny function is managed through five themed standing Select Committees. Terms of reference and specific functions are detailed in this Chapter.
- 1.3 The Select Committees will discharge, in respect of the matters shown in their terms of reference below, the functions conferred by section 9F of the Local Government Act 2000 as amended by section 7 of the Health and Social Care Act 2001, by section 19 of the Police and Justice Act 2006, by Part 5, Chapter 2 of the Local Government and Public Involvement in Health Act 2007, the Localism Act 2011 and by any subsequent legislation.
- 1.4 The Assembly shall appoint the membership, including the Lead and Deputy Lead Members, at its Annual Meeting. Lead Member appointments shall be for a two-year term. Political balance requirements of Section 15 of the Local Government and Housing Act 1989 apply when determining membership.
- 1.5 The Select Committees shall meet approximately every two months. Additional formal meetings shall be scheduled if required. Informal meetings of Select Committee Members and site visits will take place as necessary.

2. Functions of Select Committees

2.1 General role

Within their terms of reference the Select Committees, which all have equal status, will:

- (a) Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- (b) Assist the Assembly and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
- (c) Review and scrutinise the performance of the Council, other public bodies and partner organisations in the area, invite them to address the Select Committees, and prepare reports about their initiatives and performance;
- (d) Conduct pre-decision scrutiny to test the robustness and impact of budget savings and other key decisions to be considered by the Cabinet;
- (e) Engage with, and represent local people and create opportunities to involve them in the scrutiny process;
- (f) In all of the above, make reports and recommendations to the Cabinet and/or full Council and/or any Committee in connection with the discharge of any functions.

2.2 Statutory functions of Select Committees

(a) Call-in

Within their terms of reference the Select Committees will be responsible for addressing any Call-ins that fall within their remit. Call-ins will be allocated to the relevant Select Committee by the Council's Designated Scrutiny Officer. The Call-in Procedure is detailed in section 6 of this Article.

(b) Councillor Call for Action

Within their terms of reference the Select Committees will also consider Councillor Calls for Action (section 119, Local Government Act 2000), in accordance with the relevant best practice guidance jointly issued by the Centre for Public Scrutiny and the Improvement & Development Agency. The CCfA procedure is detailed in section 7 of this Article.

(c) Crime and disorder scrutiny

The Safer and Stronger Community Select Committee shall:

- (i) Act as the Crime and Disorder Committee within the meaning of section 19 of the Police and Justice Act 2006
- (ii) Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
- (iii) Make reports or recommendations to the local authority with respect to the discharge of those functions
- (iv) Make recommendations to the Cabinet and/or Council with respect to any matter which is a local crime and disorder matter in relation to a Member of the authority

- (v) Consider any crime and disorder matters referred by any Member of the Council.

(d) Health Scrutiny

The Health and Adult Services Select Committee shall carry out Health Scrutiny in accordance with Section 244 and Regulations under that section of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 relating to local health service matters. Where a proposal to substantially vary a health service relates to more than one local authority area, it must be considered by a Joint Health Overview and Scrutiny Committee appointed by each of the local authorities in question.

(e) Education

The Council shall, in accordance with Section 499 of the Education Act 1996 and Section 9F of the Local Government Act 2000, appoint co-opted members to the Children's Services Select Committee to scrutinise education matters.

(f) Flood risk management

In accordance with the Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011, the Living and Working Select Committee has the power to request information and scrutinise the local flood risk authority's plans to mitigate flooding.

2.3 Locally determined functions of Select Committees

(a) Petition appeals

Within their terms of reference each Select Committee will be responsible for receiving petitions regarding services for which they are responsible.

Petitions will be allocated to the relevant Select Committee by the Authority's Designated Scrutiny Officer. Such petitions will be addressed in accordance with the Council's Petition Scheme which can be found on the Council's website at <https://www.lbbd.gov.uk/council/get-involved/petitions/petition-scheme/>

(b) Audit, Governance and Finance

Chartered Institute of Public Finance and Accountancy guidance issued in 2005 encourages local authorities to put in place an audit committee to ensure good corporate and financial governance. In Barking and Dagenham, the Public Accounts and Audit Select Committee is responsible for the Council's the audit, governance and finance responsibilities.

3. Terms of Reference of Select Committees

The Select Committees shall have responsibility for overview and scrutiny in relation to the matters set out below.

CHILDREN'S SERVICES SELECT COMMITTEE (CSSC)	
Scope The scrutiny of the services provided by the Children Services Directorate including the provision, planning, management, and performance of child protection, health, welfare, education, youth services, and related matters in Barking and Dagenham.	
Appointed by: Assembly under section 9F, Local Government Act 2000	Number of Elected Members: Nine, none of who may be Cabinet Members
Quorum: Three elected Members.	Co-opted Members to be appointed by Assembly: Four co-opted Members, as follows, to have voting rights in respect of educational matters, and non-voting in respect of all other matters: <ul style="list-style-type: none"> i. One Church of England Diocesan Board of Schools representative; ii. One Roman Catholic Westminster Diocesan Schools Commission representative; iii. One secondary school parent governor representative; iv. One primary school parent governor representative. <p>The Select Committee shall also offer non-voting membership to the Chair and Vice Chair of the BAD Youth Forum.</p>
The CSSC's functions as determined by Assembly: <ul style="list-style-type: none"> • Scrutiny of matters relating to the provision of services to children and young people living or using services within the borough. • Working with the Council and other partners to secure the continuous improvement of services for children and young people and assisting in improving outcomes for the borough's young people. • Undertaking reviews into any issues falling within the remit of the Select Committee that merit detailed investigation. • Presenting recommendations arising from scrutiny investigations in accordance with the Council's agreed processes, and submitting them to the relevant decision-maker as determined by the Council's Scheme of Delegation. 	

- Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision-makers have due regard to findings and recommendations arising from scrutiny investigations.
- Monitoring of performance indicators that fall within the remit of the Select Committee.
- Addressing any Call-ins or Councillor Calls for Action as allocated by the Designated Scrutiny Officer.
- Considering petitions in accordance with the Council's Petition Scheme

The CSSC's functions as determined by Statute

All the powers of an Overview and Scrutiny Committee as set out in section 9F of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

HEALTH AND ADULT SERVICES SELECT COMMITTEE (HASSC)

Scope

The scrutiny of the work of the NHS bodies serving Barking and Dagenham in accordance with the Health and Social Care Act 2001 and associated Regulations and Guidance and the provision, planning, management and performance of services relating to adult social care.

Appointed by:

Assembly under section 9F, Local Government Act 2000

Number of Elected Members:

Nine, none of who may be Cabinet Members

Quorum:

Three elected Members

Co-opted Members to be appointed by Assembly:

None appointed

The HASSC's functions as determined by Assembly:

- Scrutinising any matter relating to the planning, provision and operation of the health service in the borough or accessed by Barking and Dagenham residents.
- Requesting information from NHS bodies and any health service provider. Exempt from this power are requests for information that are confidential (i.e information that identifies a living person or is prohibited under any enactment) or relate to NHS Trusts in special administration (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).
- Requesting attendance from any member or employee of a relevant NHS body or health service provider to attend before it to answer any questions; provided those questions do not relate to confidential information or information that they would be

entitled to refuse to provide in a court of law. The request for attendance may also be refused if reasonable notice has not been given (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).

- Acting on behalf of the Council as the statutory consultee where NHS bodies propose substantial developments or variations in the provision of services and thus have a duty to consult with the local authority before taking a decision. When being consulted with, the HASSC must notify the relevant NHS body of its response to the consultation and any intention to refer the matter to the Secretary of State within the timescales agreed by both parties (this function may be carried out by the Joint Health Overview and Scrutiny Committee in accordance with Part 2, Chapter 14, paragraph 2).
- Exercising the Council's right of referral to the Secretary of State on substantial variations to local health services. The HASSC will have regard to the criteria and process for making a referral to the Secretary of State which are prescribed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- Acting on behalf of the Council to make all arrangements for establishing and participating in joint health overview and scrutiny committees with local authorities that are affected by service re-configurations. Any such joint overview and scrutiny committee shall have such terms of reference, and shall exist for so long as the appointing authorities may agree
- Receiving referrals from the local Healthwatch on matters relating to the planning, provision, and operation of health services in the borough, acknowledging receipt within five working days. Further to the regulations, Healthwatch can expect a referral to be discussed at the next formal meeting of HASSC, or at a formal meeting within three months (whichever is most timely). In accordance with the regulations the HASSC is obligated to keep the referrer informed of any action taken in relation to the matter.
- Holding to account the Health and Wellbeing Board for the delivery of its functions, and in doing so, having particular regard to the robustness of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy as effective documents to ensure commissioning of health and social care services is reflective of local need.
- Presenting recommendations arising from scrutiny investigations in accordance with the Council's agreed processes, submitting recommendations to the relevant decision-maker as determined by Council's Scheme of Delegation. Where recommendations or reports are issued to NHS bodies/health service providers, that body or provider must, if requested to do so, respond to the HASSC within 28 days.
- Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision-makers have due regard to findings and recommendations arising from scrutiny investigations.
- Representing local people and bringing local concerns and feedback about health and social care services to the attention of leaders within the local health and social care economy, formally advising the Health and Wellbeing Board of any such

concerns in the process.

- Monitoring of performance indicators that fall within the remit of the Select Committee.
- Addressing any Call-ins or Councillor Calls for Action as allocated by the Designated Scrutiny Officer. Where the decision called-in is owned by the Health and Wellbeing Board the HASSC will, by default, be the receiving Select Committee of that Call-in regardless of the subject of the decision.
- Considering petitions in accordance with the Council’s Petition Scheme

The HASSC's functions as determined by Statute

All the powers of an Overview and Scrutiny Committee as set out in section 9F of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Social Care Act 2001 (including associated Regulations and Guidance).

LIVING AND WORKING SERVICES SELECT COMMITTEE (LWSC)

Scope

The scrutiny of the services provided by the Housing and Environment Divisions, including the provision, planning, management, and performance of housing, environment, regeneration, economic development, street scene, transport, and related matters in Barking and Dagenham.

Appointed by:

Assembly under section 9F, Local Government Act 2000

Number of Elected Members:

Nine, none of who may be Cabinet Members

Quorum:

Three elected Members

Co-opted Members to be appointed by Assembly:

None appointed

The LWSC's functions as determined by Assembly:

- Scrutinising matters relating to the provision of housing, public realm, the environment, regeneration, business, jobs and skills within the borough.
- Exercising its statutory duty and power to scrutinise and report on matters relating to flood risk management in line with the Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011.
- Working with the Council and other partners to secure the continuous improvement of matters that fall within the remit of the Select Committee.
- Undertaking reviews into any issues falling within the remit of the Select Committee that merit detailed investigation.

- Presenting recommendations arising from scrutiny investigations in accordance with the Council's agreed processes, and submitting them to the relevant decision-maker as determined by the Council's Scheme of Delegation.
- Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision-makers have due regard to findings and recommendations arising from scrutiny investigations.
- Monitoring of performance indicators that fall within the remit of the Select Committee.
- Addressing any Call-ins or Councillor Calls for Action as allocated by the Designated Scrutiny Officer
- Considering petitions in accordance with the Council's Petition Scheme.

The LWSC's functions as determined by Statute

All the powers of an Overview and Scrutiny Committee as set out in section 9F of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

PUBLIC ACCOUNTS AND AUDIT SELECT COMMITTEE (PAASC)

Scope

The scrutiny and independent assurance of issues relating to governance and regulation; assurance and risk management; fraud and corruption prevention; performance and compliance; sound financial management which achieves value for money; and, transparency and open government. The Select Committee will also have within its remit the power to perform specific audit functions to ensure that the organisation is well run.

Appointed by:

Assembly under section 9F, Local Government Act 2000

Number of Elected Members:

Nine, comprising the Lead Members of the four other themed Select Committees plus five other councillors, none of who may be Cabinet Members.

Quorum:

Three elected Members

Co-opted Members to be appointed by Assembly:

None appointed

Independent Adviser to be chosen jointly by Members and officers:

One appointed, non voting

The PASSC's functions as determined by Assembly:

Internal Audit

- Considering regular update reports concerning the work of Internal Audit, including progress on delivering the annual programme of work, emerging themes, risks and issues, and officer responsiveness in implementing recommendations and responding to Internal Audit.
- Considering and agreeing an Annual Audit Report from the Chief Financial Officer and a summary of Internal Audit activity (actual and proposed), and the level of assurance it can give over the Council's corporate governance, internal control, and risk management arrangements.
- Considering summaries of specific Internal Audit reports as requested.
- Considering reports dealing with the management and performance of the providers of Internal Audit services.
- Commissioning work from Internal Audit.

External Audit

- Considering the Annual Governance Report (both main and pension) and the Council's response to Annual Governance Report (both main and pension), and other relevant reports.
- Considering the Annual Audit Letter, and other relevant reports.
- Considering the Summary of Grant Certifications
- Considering other specific reports as agreed with the external auditor.
- Commissioning work from External Audit.

Performance

- Considering the Council's performance monitoring reports and to closely monitor and evaluate the performance of the services and functions which fall within its remit.
- Periodically reviewing the Council's capital spending.
- Reviewing the performance of any contracts entered into by the Council, including Elevate East London.
- Considering the findings of any reports from any inspection agencies concerning the Council.

Governance

- Considering regular update reports concerning governance, decision-making, and information governance.
- Considering regular updates concerning risk management and corporate governance, and ensuring compliance with best practice.
- Considering regular updates concerning Council policies relating to governance (including whistle-blowing, bribery, and anti-fraud) and to ensure the implementation

of relevant legislation relating to governance, fraud, and corruption.

- Maintaining an overview of the Council's Constitution in respect of the financial regulatory framework.
- Approving the Council's Annual Governance Statement which will accompany the Annual Statement of Accounts.
- Considering the Council's compliance with its own and other published standards and controls.

Finance

- Considering regular update reports concerning sound financial management which achieves value for money.
- Considering and approving the Annual Statement of Accounts and all related documents.
- Undertaking annual consideration of the robustness of the Council's budget setting process.

• **Scrutiny**

- Exercising the right to scrutinise any matter related to the remit of the Select Committee or any other matter which cuts across two or more of the themed select committees.
- Presenting recommendations arising from scrutiny investigations in accordance with the Council's agreed processes, and submitting them to the relevant decision-maker as determined by Council's Scheme of Delegation.
- Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision-makers have due regard to findings and recommendations arising from scrutiny investigations.
- Undertaking pre and post decision scrutiny reviews and making appropriate recommendations to Cabinet and/or Assembly.
- Undertaking annual consideration (for comment) of the Cabinet's budget proposals which fall within the remit of PAASC before they are formally agreed by Assembly.
- Addressing any Call-ins or Councillor Calls for Action as allocated by the Designated Scrutiny Officer.
- Considering petitions in accordance with the Council's Petition Scheme.

The PASSC's functions as determined by Statute

All the powers of an Overview and Scrutiny Committee as set out in section 9F of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

SAFER AND STRONGER COMMUNITY SELECT COMMITTEE (SSCSC)

Scope

The scrutiny of Crime and Disorder Partnerships under the Police and Justice Act 2006, as well as the provision, planning, management and performance of public services related to culture, libraries, heritage and arts, and community safety. The Select Committee will also have within its remit the ability to scrutinise issues of social inclusion, equalities, cohesion and faith. It will also engage with the community and voluntary services operating in the borough, and where appropriate hold them to account for their performance.

Appointed by:

Assembly under section 9F,
Local Government Act 2000

Number of Elected Members:

Nine, none of who may be Cabinet Members

Quorum:

Three elected Members

Co-opted Members to be appointed by Council:

None appointed

The SSCSC's functions as determined by Assembly:

- Scrutinising matters relating to crime and disorder, the community and voluntary sector, community cohesion, social inclusion and culture within the borough.
- Exercising its statutory duty and power to scrutinise and report on matters relating to crime and disorder in line with the Police and Justice Act 2006.
- Working with the Council and other partners to secure the continuous improvement of the matters within its remit.
- Undertaking reviews into any issues falling within the remit of the Select Committee that merit detailed investigation
- Presenting recommendations arising from scrutiny investigations in accordance with the Council's agreed processes, and submitting them to the relevant decision-maker as determined by Council's Scheme of Delegation.
- Monitoring progress of implementation of recommendations in accordance with the Council's agreed processes, ensuring that decision-makers have due regard to findings and recommendations arising from scrutiny investigations.
- Monitoring of performance indicators that fall within the remit of the Select Committee.
- Receiving six-monthly updates on the work of the Crime and Disorder Reduction Partnership, in accordance with the Police and Justice Act 2006.
- Addressing any Call-ins or Councillor Calls for Action as allocated by the Designated Scrutiny Officer.
- Considering petitions in accordance with the Council's Petition Scheme.

The SSCSC's functions as determined by Statute

All the powers of an Overview and Scrutiny Committee as set out in section 9F of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007. This Committee is also the designated Committee under section 19 Police and Justice Act 2006.

4. Frequency of Meetings

- 4.1 Each Select Committee shall meet approximately every two months. Additional meetings may be arranged to deal with specific matters such as the Cabinet budget proposals, call-in's etc. if considered necessary.
- 4.2 Informal meetings of Select Committee Members and site visits may be arranged as appropriate.

5. Scrutiny Procedure Rules

5.1 Work Programme/Agenda items:

5.1.1 Each Select Committee shall be responsible for setting and maintaining its own work programme.

5.1.2 Each Select Committee may receive suggestions from the following for particular topics to be scrutinised:

- Members of the public
- Relevant partner organisations
- Officers of the Council
- Co-optees
- Cabinet
- Individual Members of the Council

5.1.3 Select Committees shall typically go through a topic selection process in order to shortlist the areas for review.

5.2 Policy Review and Development

5.2.1 The Select Committees may assist in the development of the budget and policy framework and may take in-depth analysis of policy issues.

5.2.2 They may conduct research, community and other consultation in the analysis of policy issues and possible options. It may also encourage and enhance community participation in the development of policy options.

5.2.3 In relation to the development of the Council's approach to other matters not forming part of its policy and budgetary framework, the Select Committees may make proposals to Cabinet for developments in so far as they relate to matters within their terms of reference. A Select Committee may:

- (a) Consider and make recommendations to the Cabinet on any matter that is consistent with its terms of reference.
- (b) Hold inquiries and investigate the available options for future direction in policy development and appoint advisers and assessors to assist in this process, within available budgets.
- (c) Do anything which is reasonable to assist or inform its deliberations, including a general call for evidence, site visits, public surveys, public meetings and commission research.
- (d) Ask witnesses to attend to address it on any matter under consideration and pay to any advisers, assessors or witnesses a reasonable fee and expense for doing so.

5.3 Scrutiny Review and Reports

5.3.1 The process for scrutiny reviews and reports will follow the process below, subject to any variation agreed with the Lead Member(s) in consultation with the Designated Scrutiny Officer:

- Gather evidence from officers, Members and stakeholders;
- Identify where processes, policies or services could be improved;
- Develop formal draft recommendations to deliver these improvements and discuss them with the relevant portfolio holder(s) either at a committee meeting or in writing;
- Submit the final report, with its recommendations, to the relevant portfolio holder(s) for comment;
- Present the final report (including portfolio holder comments) to the select committee for approval;
- Publish the approved report on the Council's website and circulate to relevant stakeholders, including those who gave evidence to the committee;
- Present an action plan to the committee for approval, allocating the recommendations to the decision-maker (as determined by the Scheme of Delegation) and agreeing a timeframe for their implementation;
- Implement the recommendations;
- Report back to the committee within six months with a progress update on implementing the recommendations.

5.3.2 Where a Select Committee makes a report and recommendations on matters relating to local crime and disorder or health services, it will provide a copy of the report to the relevant responsible authorities, notifying them of their duty (under section of the Police and Justice Act 2006 and Local Government and Public Involvement in Health Act 2007) to:

- (a) consider the report or recommendations;
- (b) respond to the Select Committees in writing within 28 days indicating what (if any) action it proposes to take, and;

(c) have regard to the report or recommendations in exercising its functions.

5.4 Public Participation

5.4.1 Residents of the London Borough of Barking and Dagenham and those working, studying or with a business interest in the area are able to participate in the scrutiny process by:

- a) Suggesting topics for review by Select Committees;
- b) Attending meetings;
- c) Presenting petitions;
- d) Asking a question;
- e) Making a statement or forming a deputation to the Select Committees;
- f) Being involved in a scrutiny investigation;
- g) Responding to surveys.

5.4.2 When there is a scrutiny investigation that would benefit from public participation the Officer supporting such investigation will ensure such participation is facilitated.

5.4.3 Members of the public interested in participating in a particular scrutiny investigation can do so by contacting the Scrutiny staff or the relevant Lead Member directly.

5.5 Matters within the remit of more than one Select Committee

5.5.1 Where a matter falls within the remit of more than one Select Committee, and their respective remits in relation to it cannot be satisfactorily resolved by the Lead Members of those Committees, the Statutory Scrutiny Officer will decide which Committee should consider it.

5.5.2 Where a Select Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Select Committee, then the Committee conducting the review shall normally either:

- (a) invite the Lead Member of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed, or
- (b) consult the other Committee on its findings and recommendations, and include that Committee's comments in its own report.

5.6 Accountability and Attendance

5.6.1 The Select Committees may scrutinise and review any decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation, the Select Committees in fulfilling the scrutiny role, may require any Member of the Cabinet, the Chief Executive, any Strategic

Director and/or Senior Officer to attend before it to explain, in relation to matters within their remit:

- (a) Any particular decision or series of decisions;
- (b) The extent to which the actions taken implement Council policy;
- (c) The performance of relevant services.

and it is the duty of those persons to attend if so required.

- 5.6.2 The Select Committees may also require any Council Member to attend before it to answer questions on any function which the Member has power to exercise.
- 5.6.3 Any Councillor or member of the public shall be entitled to attend meetings of the Select Committees and to speak on any agenda item at the discretion of the Lead Member.
- 5.6.4 Where any Cabinet Member, Ward Member or Officer is required to attend a Select Committee, Scrutiny Officers will, within reasonable time, inform that Member or Officer in writing of the Select Committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 5.6.5 Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 5.6.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then a substitute may be asked to attend or the Select Committee may, in consultation with the Member or Officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.
- 5.6.7 The Select Committees may invite people other than those people referred to above to address it, to discuss issues of local concern and/or answer questions. For example it may wish to hear from residents; other interested parties, officers in other parts of the public sector, or experts.
- 5.6.8 In undertaking the scrutiny of crime and disorder issues or local health bodies, the relevant Select Committees may invite representatives of the crime and disorder bodies or the health organisations to address it, discuss the issue of local concern and/or answer questions. An officer of a trust/organisation must attend meetings to provide information needed by the Committees to discharge its functions. However, reasonable notice must be given.

5.7 Rights to Information

- 5.7.1 Select Committees will have access to the Forward Plan of key decisions of the Cabinet and timetable for decisions and intentions for consultation.

- 5.7.2 In addition to their rights as Councillors, Members of the Select Committees have the additional right to documents and to notice of meetings as set out in the Access to Information rules (Chapter 17, Part 2) and in line with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 5.7.3 Nothing in this paragraph shall prevent more detailed liaison between the Cabinet and the Select Committees if considered appropriate for the particular matter under consideration.

6. Call-in

- 6.1 Call-in is the exercise of Select Committees' statutory powers under Sections 9F(2)(a) and 9F(4) of the Local Government Act 2000 (as amended by the Localism Act 2011) to review an executive key decision that has been made but not yet implemented. Where a decision is called-in and the Select Committee decides to refer it back to the Cabinet for reconsideration, it cannot be implemented until the Call-in Procedure is complete.
- 6.2 Any key decision made by the Cabinet, or other body/person responsible for the discharge of executive functions, is subject to Call-in. A decision may be called-in only once. A Cabinet recommendation to the Assembly may not be called-in.
- 6.3 The Call-in Procedure and the powers to refer a decision back for reconsideration may be exercised by any of the Select Committees, provided the decision that is subject to the Call-in is within the remit of its respective terms of reference.
- 6.4 Requests for Call-in will only be accepted as valid if there is evidence that the decision maker did not take the decision in accordance with the principles of decision making as set out in paragraph 2, Chapter 16, Part 2 of this Constitution.
- 6.5 Call-in of decisions which may be contrary to the Budget and Policy Framework shall be governed by the provisions of the Budget and Policy Framework Procedure Rules in paragraph 6, Chapter 18, Part 2 of this Constitution.
- 6.6 Call-in should be regarded as a measure that is only needed in exceptional circumstances.

The Call-In Procedure

- 6.7 Once made, an executive decision shall be published in the form of a Decision Notice within two working days. The Decision Notice will be sent to all Members of the Council within the same timescale.
- 6.8 The Decision Notice will specify that the decision will be effective on the expiry of five clear working days after the publication of the decision and may then be implemented, unless called-in under this provision within that five working day period.
- 6.9 Any two (or more) Councillors (excluding Cabinet Members), or statutory co-opted Members where the matter relates to education, individually or collectively, may call-in a key decision by submitting a written notification to the Chief Executive within the five working day period. A form is available on the Council's website. Any Councillor who has a prejudicial and/or pecuniary interest in a particular issue should not instigate or take part in any Call-In related to that issue.
- 6.10 The form must include:
- (a) the names of the Members requesting the Call-in (at least two are required), one of whom should be identified as the lead;
 - (b) the subject matter being called-in;
 - (c) the decision including, where relevant, whether all or part of the decision is being called-in; and
 - (d) clear reasons for the Call-in.
- 6.11 The Call-in request will be deemed valid unless either:
- (a) The procedures set out in paragraphs 6.8 to 6.10 have not been properly followed;
 - (b) The grounds for Call-in as referred to in paragraph 6.4 above have not been met;
 - (c) The decision has been recorded as urgent in accordance with paragraphs 6.15 to 6.18 below;
 - (d) The Call-in is considered to be frivolous, vexatious or not a proper use of the Call-in provisions taking into account the following factors:
 - (i) Whether the matter has been considered as part of pre-decision scrutiny by any Select Committee, sub-committee, task group or panel.
 - (ii) Whether there has been any substantive change in the nature of the decisions being made since any pre-decision scrutiny of the proposals.
 - (iii) Whether the recommendations or alternative course of action or recommendations in the Call-in request have been

previously considered and rejected, in whole or part, as part of pre-decision scrutiny.

(iv) Whether the Call-in request can be dealt with through the clarification of matters.

(v) Any other relevant factor.

(e) The Call-in would, in the opinion of the Monitoring Officer, result in the Council failing to discharge its legal duties.

6.12 Before deciding on (a) to (e) above, the Chief Executive may seek clarification of the Call-in request from the Member(s) concerned. The Chief Executive shall also consult with the Lead Member of the relevant Select Committee prior to making a determination on the validity of the Call-in. The decision of the Chief Executive shall be final and there is no right of appeal.

6.13 Upon deciding on its validity, the Chief Executive shall forthwith notify the Member(s) concerned, the Leader and Portfolio Holder, the Lead Member and Deputy Lead Member of the relevant Select Committee, the relevant Strategic and other Directors and the Council's Designated Scrutiny Officer.

6.14 In the absence of the Chief Executive, the Monitoring Officer shall exercise the Chief Executive's functions in respect of the Call-in.

Decisions not subject to Call-In

6.15 The following categories of decision are not subject to Call-in:

- (a) recommendations from the Cabinet to the Assembly for final determination, such as the Budget and Policy Framework;
- (b) decisions for urgent implementation under the Access to Information Procedure Rules set out in Chapter 17, Part 2 of the Constitution;
- (c) urgent decisions outside the Budget or Policy Framework taken in accordance with paragraph 4 of the Budget and Policy Framework Rules in Chapter 18, Part 2 of the Constitution;
- (d) decisions to award a contract following a lawful procurement process.

Call-In and Urgency

6.16 The Call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:

- (a) A Call-in would prevent the Council reaching a decision that is required by statute or otherwise within a specified timescale;
- (b) Any delay likely to be caused by the Call-in process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision making body or person before the decision is taken;

- (c) Any delay likely to be caused by the Call-in process would be likely to expose the Council, its Members or its constituents to significant level of risk, loss, damage or significant disadvantage.

- 6.17 In the case of the above, the Decision Notice shall state whether a decision is an urgent one, and therefore not subject to Call-in. The consent of the Lead Member of the relevant Select Committee is required before a decision is treated as urgent.
- 6.18 Where the Cabinet has recorded a decision as urgent, a Select Committee may retrospectively review actions arising from that decision but cannot delay its implementation.

Consideration by the Select Committee

- 6.19 The Chief Executive will ensure that any valid Call-in is reported to the next available meeting of the relevant Select Committee, or one convened for the purpose of considering the Call-in.
- 6.20 At least one of the Members submitting the request for Call-in will be expected to attend the meeting of the relevant Select Committee to explain their reasons for the Call-in and the alternative course of action or recommendations they wish to propose. Appropriate representation from the Cabinet will be required to explain the reasons for the Cabinet's decision and to answer any questions. Similarly the relevant Strategic Director and/or Director shall attend to clarify any aspects associated with the issue in question.
- 6.21 Having considered the Call-in and the reasons given, the relevant Select Committee may either:
 - (a) Refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
 - (b) If it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Assembly after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
 - (c) Decide to take no further action, in which case the original Cabinet decision will be effective immediately.

Decisions referred back to the Decision-Maker

- 6.22 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the Select Committee, and make a final decision, amending the decision or not, and give reasons for the decision.
- 6.23 If a decision relates to an executive function, only the Cabinet can ultimately decide the matter, provided that it is in accordance with the Council's Budget and Policy Framework.

7. Councillor Call for Action

- 7.1 Any Councillor may request the Chief Executive to include a Councillor Call for Action on the agenda of a relevant Committee meeting. A Councillor Call for Action request must be made to the Chief Executive. A form is available on the Council's website which sets out the requirements for a Councillor Call for Action request to be considered valid by the Chief Executive.
- 7.2 Upon receipt of a valid Call for Action the Chief Executive shall ensure that the item is included on the agenda of the next appropriate meeting of the relevant committee, and ensure that the Lead Member of the relevant committee(s), relevant Cabinet Members, senior officers and any other members from the ward(s) in question are informed that a valid Call for Action has been received.
- 7.3 Any Councillor who submits a valid Call for Action will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the Call for Action and to have the item discussed. The Committee will decide either:
- (a) To request officers to prepare a report for the next meeting;
 - (b) To request the Councillor submitting the Call for Action to provide further evidence or information to a future meeting;
 - (c) To set up a task and finish group to investigate the matter and report back to the Committee or to agree to undertake a scrutiny review on the matter at the appropriate time;
 - (d) To refer the matter to the appropriate person or body be it a Senior Officer, another committee such as the Cabinet or an external body, either for information or calling for specific action;
 - (e) To take no further action on the request, for stated reasons.
- 7.4 A Councillor Call for Action will be deemed invalid in the following circumstances, and shall not be taken forward:
- (a) The procedures set out in paragraphs 7.1 and 7.2 have not been properly followed;
 - (b) It does not affect all or part of the ward for which the referring Member is elected, or any person who lives or works in that ward;
 - (c) It is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters); or
 - (d) The Chief Executive, in consultation with the Designated Scrutiny Officer, considers it to be vexatious, not reasonable, discriminatory or outside the Councillor Call for Action provisions.
- 7.5 Before deciding on its validity, the Chief Executive may seek clarification of the Call for Action from the Councillor concerned.