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To:

The Chair and Members of the Overview and
Scrutiny Committee (Adult Social Care and
Health)

Date: 12 October 2017
Our Ref: DAC/O&S
Your Ref:

Please contact: Debbie Campbell,
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Dear Councillor

OVERVIEW AND SCRUTINY COMMITTEE (ADULT SOCIAL CARE AND HEALTH) - TUESDAY 17TH OCTOBER, 2017

I refer to the agenda for the above meeting and now enclose the following report which was unavailable when the agenda was printed.

Agenda No.	Item
9.	Call-In Procedure (Pages 3 - 10) Report of the Head of Regulation and Compliance.

Yours sincerely,

J. COULE

Head of Regulation and Compliance

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Report to:	Overview and Scrutiny Committee's (Adult Social Care and Health); (Regulatory, Compliance and Corporate Services) (Regeneration and Skills); and (Children's Services and Safeguarding)	Date of Meeting:	17 October 2017 31 October 2017 7 November 2017 14 November 2017
Subject:	Call-In Procedure		
Report of:	Head of Regulation and Compliance	Wards Affected:	(All Wards);
Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To submit to all four Overview and Scrutiny Committees the proposed procedure to be adopted by the relevant Overview and Scrutiny Committee when considering a decision that has been called in.

Recommendation:

That the call in procedure, as detailed in Appendix 2 to the report, be adopted as the procedure to be followed by the relevant Overview and Scrutiny Committee when considering a decision that has been called in.

Reasons for the Recommendation:

To assist the Committee in its deliberations when considering a decision that has been called in.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

No Revenue/Capital costs associated with this proposal.

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Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
None
Legal Implications:
The procedure would be included as an appendix to the Constitution to be used when an Overview and Scrutiny Committee considers a decision that has been called in.
Equality Implications:
The procedure will provide equality to all parties associated with the call in.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: The call in procedure should promote confidence in the function of Overview and Scrutiny, in its role of holding the Executive to Account.
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD.4887/17) and Head of Regulation and Compliance (LD.4171/17) have been consulted and have no comments on the report

(B) External Consultations

Implementation Date for the Decision

Immediately following the meetings of the Overview and Scrutiny Committee's.

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Appendices:

Appendix 1 – Current “Call-in” Procedure note

Appendix 2 – Proposed “Call-in” Procedure Note as amended by the Overview and Scrutiny Management Board.

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 One of the Overview and Scrutiny Committee functions is to hold the Executive to account. The Executive is held to account when a decision is “called-in”.
- 1.1 A decision made by the Cabinet Member for Locality Services was recently “called-in” and considered at a Special Meeting of the Overview and Scrutiny Committee (Regeneration and Skills) held on 7 September 2017. At that Special Meeting the Committee resolved to refer the Procedure Note for “call-in” to the Overview and Scrutiny Management Board for it to consider.
- 1.2 The Overview and Scrutiny Management Board met on 26 September 2017 and considered the current “call-in” procedure note, as detailed in Appendix 1 to the report.
- 1.3 After consideration and debate, the Overview and Scrutiny Management Board suggested some changes to the procedure note, as detailed in Appendix 2 to the report. The Board requested that the amended procedure note be referred to all four Overview and Scrutiny Committee with a recommendation to adopt the procedure note, as detailed in Appendix 2 to the report, as the procedure to be followed when considering a decision that has been called-in.

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CALL - IN PROCEDURE NOTE **Minute number and Title**

The Chair to explain the call-in process as follows:-

A – Is the call-in valid? – Democratic Services Officer to advise

B – To determine whether the Committee is concerned about the decision as follows:

1. 1 of the 3 Councillors that have called-in the decision to address the Committee explaining the reason for call-in.
2. A representative of the public to make representations – 5 minutes
(This is subject to the agreement of the Committee)
3. Leader of the Council and/or the Cabinet Member to explain the decision and the reasons why it was taken.
4. Officer Representative(s) to report on the issues and the reasons for their recommendation and advice to Cabinet/Cabinet Member.
5. Committee Members to ask questions of:-
 - (a) the lead call-in Member
 - (b) the Leader of the Council and/or Cabinet Member
 - (c) officer representative(s)
6. Leader of the Council and/or Cabinet Member to sum up
7. Lead call-in Member to sum up
8. Is the Committee concerned about the decision in the light of what it has heard?

The options are:-

referral of the matter back to Cabinet or Cabinet Member for re-consideration setting out the nature of the Committee's concerns; or

referral of the matter to Council to decide whether it wishes to object to the decision. (NB. The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.)

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CALL - IN PROCEDURE NOTE **Minute number and Title**

The Chair to explain the call-in process as follows:-

A – Is the call-in valid? – Democratic Services Officer to advise

B – To determine whether the Committee is concerned about the decision as follows:

1. 1 of the 3 Councillors that have called-in the decision to address the Committee explaining the reason for call-in. (No more than 5 minutes)
2. A representative of the public to make representations – 5 minutes
(This is subject to the agreement of the Committee)
3. Leader of the Council and/or the Cabinet Member to explain the decision and the reasons why it was taken. (No more than 5 minutes)
4. Officer Representative(s) to report on the issues and the reasons for their recommendation and advice to Cabinet/Cabinet Member. (No more than 5 minutes)
5. Committee Members to ask questions of:-
 - (a) the lead call-in Member
 - (b) the Leader of the Council and/or Cabinet Member
 - (c) officer representative(s)
6. Leader of the Council and/or Cabinet Member to sum up (No more than 5 minutes)
7. Lead call-in Member to sum up (No more than 5 minutes)
8. Is the Committee concerned about the decision in the light of what it has heard?
 - i) No the Committee is not concerned; or
 - ii) The Committee is concerned and should proceed to option (a) or (b) below

The options are:-

(a) referral of the matter back to Cabinet or Cabinet Member for re-consideration setting out the nature of the Committee's concerns; or

(b) referral of the matter to Council to decide whether it wishes to object to the decision. (NB. The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.)

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